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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined fourth and fifth periodic report of States Parties

Thailand*

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INTRODUCTION

Thailand acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 9 August 1985, and its obligation came into force on 8 September 1985. The Thai government is obliged to apply the Convention as a guideline for formulating policies and plans relating to women, as well as laws and regulations to eliminate all forms of discrimination. One mechanism is to follow-up on the Convention's implementation is stated in Article 18 of the Convention, namely: "States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which States Parties have adopted to give effect to the provisions of the present Convention on the progress made in this respect: (a) within one year after the entry into force for the States concerned and (b) thereafter at least every four years and further whenever the Committee so requests."

As a member of the Convention, Thailand submitted its First CEDAW Report in 1987, which was considered by the Committee in conjunction with a Supplementary Report during its Ninth Session in January 1990. Thereafter, a combined Second and Third Report was submitted in 1997 and was considered by the Committee together with a Supplementary Report in its Twentieth Session held from 19 January – 5 February 1999. This current report is the combined Fourth and Fifth CEDAW report.

In preparing this report, Thailand compiled documents and other information sources to be used as guidelines, including: Assessing the Status of Women; A Guide to Reporting Under the CEDAW 2000; the First, Second and Third CEDAW Reports; Status of Women in Thailand 1998 Supplementary Documents; observations from the Committee to the Second and Third Reports as well as Supplementary Reports; in addition to reports and research studies from various concerned organizations.

Information and statistics contained in this report illustrate the progress Thailand has made in implementing the Convention since the previous reporting period. While some parts containing general information were given in previous reports, they are presented here again in order for readers to understand the entire context of the situation, without having to refer back to previous reports.

In preparing this report, several non-government organizations and government agencies were consulted during various meetings and seminars organized by the Office of the National Commission on Women's Affairs (see Appendix) in order to compile the information needed to develop this report. Their excellent cooperation allowed this report to be completed on time.

Although Thailand has not yet been successful in withdrawing its reservations on Articles 16 and 29, overall Thai women enjoy rights and opportunities to conduct their lives in meaningful and happy ways. The problems that they are still facing are those currently experienced worldwide, the resolution of which requires the joint cooperation of the global community.

Part I

THAILAND'S SOCIAL, ECONOMIC AND POLITICAL SITUATION

Population

1. Important changes have occurred in Thailand's social, economic and political situation since the previous report was prepared in 1996. One of the reasons for these changes was the effect of the Asian economic crisis that began in 1997, and which had an inevitable impact on women as well as other population groups. Another significant impact is the progress that has been made in creating a standard of quality and justice in Thai society. This entailed changes in the nation's political mechanisms and national administration, features that will be discussed in detail later in this report.

2. Table 1 gives important statistics for Thai women that reflect their status in society.

Table 1. Overview of the status of Thai women

Average life expectancy	75 years
Average maternal mortality rate	43.9 per 100,000 live births
Female labour force in export industry	70%
Political participation	
Participation in Parliamentary election (1996)	52.1%
Elected as Parliament representatives in 2001	9.2%
Percent of female executives in the government sector, 2000	15.64%

3. Thailand's population numbered 60,606,947 in 2000, of which 29,844,870 million were men and 30,762,077 million were women. Table 2 below gives the population age distribution.

Table 2. Percent population by age group in 2000

Age (years)	Total	Male	Female
All ages	100	49.7	50.3
Below 15	25.7	13.0	12.7
15-59	65.1	32.4	32.6
60+	9.3	4.3	5.0

4. The average life expectancy at birth from 1995-1996 in Thailand's Central region was 75.57 years for men and 79.71 years for women. The infant mortality rate fell to just under 10 per thousand live births. In 2000, there were 211 live births for every 100 deaths. The contraceptive prevalence rate was 79.2%.

Economic Situation

5. Thailand faced economic difficulties starting in 1997 due to the Asian economic crisis. The value of the Thai baht fell dramatically after adjustments to the exchange rate system. Many private businesses and financial institutions closed down or were forced to restructure their businesses. The economic crisis affected every sector of the Thai population, ranging from laid-off employees to new graduates, as well as investors who suffered major income losses, not to mention deteriorating emotional and physical health.

6. In response to the crisis, Thailand has continually adjusted its economic situation, which has led to positive trends in economic growth and investment, along with increases in government expenditures, such as from 853 billion baht in 2000 to 908 billion baht in 2001. Part of this increased expenditure was due to an economic stimulus package including a deficit budget policy. Simultaneously, the Thai government was (and still is) very much concerned with people's welfare and their quality of life. In 2001, for instance, the budget allocation for education was about 221 billion baht and for public health about 87 billion baht.

7. In 2000, Thailand's Gross Domestic Product was 4,904.9 billion baht. Income per capita in 2001 increased to 77,362 baht from 72,901 baht in 2000. During July-September 2001, out of a total of 33.48 million employed persons, 44.84% were men and 55.16% were women; 18.47% were employed in the agricultural sector. Such figures highlight that Thailand's national economy has been improving despite the effects of the Asian economic crisis.

Societal Situation

8. The economic changes that Thailand has faced have affected individuals (men, women, children, the elderly), the family institution, and communities. Recently, however, Thailand has made progress in several social sectors, most notably, education, public health, social welfare, the legal system and assistance, and the protection of people's rights.

9. Under the present government headed by Prime Minister Thaksin Sinawatra, who took office in 2001, the "Health for All" or "30 baht for every disease" policy has been given priority. This project aims to reduce overall national expenditure and personal health care costs, while creating equal opportunity for all in accessing basic public health services.

10. For education, the illiteracy rate in 2000 was 7.71%. Moreover, 48.47% of women had a primary school education, 49.8% completed a lower secondary education, while 56.69% completed a tertiary education. Important improvements in education have come about from the National Education Act of 1999 which focused on learning reform, raising the status of

teaching as an occupation, establishing mechanisms to guarantee a quality education, developing media and educational technologies, and making adjustments to administrative and managerial structures.

Politics and Administration

11. Over the past five years, Thailand has undertaken several innovations in the development of its political and administrative systems, as well as in improving mechanisms for social justice. Most Thais have been eager to learn how to exercise their rights and make use of these new mechanisms. The 1997 Constitution was the first of its kind to be drafted with the full participation of all sectors of society. As a result, it is sensitive to the protection of civil rights and the establishment of mechanisms to maintain those rights. Articles 30 and 80 of the Constitution relate specifically to equality.

12. The Thai Parliament is bicameral, consisting of a House of Representatives and a Senate. The 1997 Constitution prescribed some changes to the elective system. While Parliament members are elected, their qualifications have been changed regarding age and education, most notably, they must be at least 25 years of age and hold a bachelor's degree. All voters – men and women – must be at least 18 years of age.

13. Since the election in 2000, a change has also made in the Senate. Previously, senators were appointed, but under the current Constitution they are elected. There are 200 Senate seats in total. Candidates for the Senate must be over 35 years of age, and hold at least a bachelor's degree. Once again, those who vote for Senate members must be at least 18 years of age.

14. Thailand's political system remains multi-party, and thus the House of Representatives consists of a large number of political parties. In the last general election in 2000, the majority of members of Parliament (MP) were from two large parties. The Thai Rak Thai party gained the greatest number of Parliamentary seats (over 50%) and formed the core of a new coalition government with four other parties. The Democrat Party, which came in second in total number of seats, leads the opposition.

15. According to the Constitution, the Council of Ministers should consist of 36 persons entailing the Prime Minister, Deputy Prime Ministers, Ministers and Deputy Ministers.

16. Progress in public administration has been made through public sector reform. Key to this reform have been changes in the bureaucratic structure including changes in regulations (to systematic implementation) and the budgetary system. The reform process was completed in October 2002, with 20 Ministries under the new structure.

17. Another improvement in public administration is the decentralization of power, wherein people living in local communities/provinces are allowed greater participation and more active decision-making. In 1999, Parliament approved an Act that prescribed the plan and procedures for such a decentralization process to local community organizations. This Act came into force on 19 November 1999.

18. Constitutional mechanisms and organizations that have been created to protect people's rights are:

a) The Administrative Court,

b) The Ombudsman,

c) The Constitutional Court,

d) The Election Commission, and

e) The Commission on Human Rights.

19. An important measure stipulated in the Constitution (Article 170) allows 50,000 eligible voters to submit a demand for a new law to Parliament.

20. Such measures and organizations are important mechanisms to protect people's rights, with women being one of the major groups who benefit from such changes. These improvements aim to promote political participation by the public, protect civil rights, as well as solve the problem of election irregularities. It is hoped that these systems and mechanisms will lead to further political progress as well as creating economic and social improvements.

Implementation of the Convention

21. Thailand acceded as a member of the Convention in 1985 with seven reservations. Five reservations have been removed, while two remain in affect, namely, Articles 16 and 29.

22. With respect to equality within the family (Article 16), Thailand is making an effort to enact various laws to promote such equality; for example, amendments to the law pertaining to rights of women to choose their last name, their marital designation (e.g., Miss, Mrs.), together with proposing a law concerning violence in the family, the details of which will be mentioned later in this report.

Mechanism and Strategy

23. The Office of the National Commission on Women's Affairs (ONCWA) is the national mechanism responsible for promoting gender equality. Presently, its status remains as defined in the previous report. The Deputy Prime Minister is the Chairperson of the National Commission on Women's Affairs (NCWA), which is comprised of representatives from the government, leading non-government organizations and gender experts.

24. However in October 2002, a structural change in all ministries and departments occurred. The ONCWA was transferred to the newly formed Ministry of Social Development and Human Security, which is mandated to develop, assist and protect children, youth, women, the elderly and persons with disabilities, as well as manage welfare and rehabilitation. The Office of Women's Affairs has been set up under this new Ministry and is combined with Family Development.

Part II

ARTICLES

Article 1: The Definition of Discrimination

For the purpose of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, civil or any other field.

25. Thai law does not yet have a clear definition of discrimination. But as a member of CEDAW, Thailand has agreed to apply the definition of Article 1 of the Convention as stated above in italics.

26. In addition, Thailand has made an effort to enact laws with respect to the elimination of discrimination against women. One such law that is currently being considered by the National Committee on Law, under the National Commission on Women's Affairs (ONCWA), uses the same definition as the Convention.

27. The 1997 Constitution clearly stipulates the promotion of equality without discrimination in:

Article 4: "Human dignity, rights and liberties of the people shall be protected."

Article 5: "The Thai people, irrespective of their origin, sex or religion shall enjoy equal protection under this Constitution."

Article 28: "A person can invoke human dignity or exercise his or her rights and liberties in so far as it is not in violation of the rights and liberties of other persons or contrary to this Constitution or good morals."

"A person whose rights and liberties recognized by this Constitution are violated can invoke the provisions of this Constitution to bring a lawsuit or to defend himself or herself in court."

Article 30: "All persons are equal before the law and shall enjoy equal protection under the law. Men and women shall enjoy equal rights."

"Unjust discrimination against a person on the grounds of differences in origin, race, language, sex, age, physical or health condition, personal status, economic or social standing, religious belief, education or constitutionally political view, shall not be permitted."

"Measures determined by the State in order to eliminate obstacles to or promote persons ability to exercise their rights and liberties as other persons shall not be deemed as unjust discrimination under paragraph three."

Article 80: "The State shall protect and develop its children and youth, promote equality between women and men, strengthen and develop family's tie and community."

"The State must assist the elderly, the poor, the disabled and the under-privileged groups to enjoy a good quality of life and be qualified in order to be self-reliance."

28. The final paragraph of Article 30 specifies that "Any government measures set up to eliminate obstacles or promote the exercise of equal rights and freedom shall not be considered as unfair discrimination." This statement confirms the principle that equal treatment without considering the differences between persons may in fact lead to unequal treatment. Consequently, the final paragraph clearly states that in cases where the government treats a group of people differently in order to eliminate obstacles to or promote the exercise of their rights and freedom, then this treatment shall not be considered unfair. For instance, when Bangkok's sky (elevated) train system was established, the government allocated a large portion of public funds to construct lifts (escalators) so persons with disabilities could access the train. In addition, the government provides scholarships to students from low income families in the form of long-term loans. In both of these cases, the government's actions should not be seen as preferential (unfair) or inequitable treatment, but as supportive measures to promote the rights and freedom of persons with disabilities and children from low income families.

29. Thailand considers the principle of equality as fundamental to human dignity. Human dignity can be protected only when people can equally exercise the rights that have been legislated for their protection. Consequently, any form of discrimination is contrary to the principle of equality as well as human dignity.

Article 2: Policy Measures to Eliminate Discrimination

States parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

30. Article 30 in the 1997 Constitution specifies equal opportunity for all persons. To promote equality and equal roles for men and women, the Thai government has launched a policy for every agency to assign a high-ranking official to formulate gender-sensitive policies and monitor their implementation. A focal point is assigned the task of overall coordination to ensure gender equality in operations, including drawing up a Master Plan for promoting gender equality and integrating the principle of gender equality into the projects and programs of all agencies. The National Commission on Women's Affairs (NCWA) submitted a proposal to the Cabinet to appoint an executive administrator responsible for promoting the roles of women and men, with the title of Chief Gender Equality Officer (CGEO), as well as to establish a coordination center for gender equity (Gender Focal Point) in every Ministry and department. The person assuming the position of CGEO must be a high-level administrator (at least Deputy head of each Ministry and department) and believe in the potential and abilities of all persons without regard to sex. He or she must also undergo training in gender mainstreaming and gender advocacy. The Cabinet approved this proposal on 31 July 2001.

31. The mandates and responsibilities of the CGEO are to:

(1) Promote equality within government organizations to create favorable understanding and cooperation among male and female government officers. This will be implemented by organizing activities according to the Master Plan.

(2) Initiate and organize activities to create gender awareness among government officials.

(3) Monitor, inspect, hear complaints and provide consultation and advice to ensure that personnel management in government agencies conforms to the principles of equality and human rights and the guideline for creating and promoting equality among men and women in the civil service.

(4) Build a network for gender mainstreaming among government organizations in order to exchange information and perspectives on gender and the organization of common activities.

(5) Control and supervise the implementation of Gender Focal Points to monitor and report on implementation.

32. The Gender Focal Point will be created and supported in the following manner.

(1) Every government agency will supervise the appointment of a Gender Focal Point.

(2) The Gender Focal Point's is mandated to administer activities for the CGEO according to the Master Plan on gender promotion, including monitoring, evaluation and the reporting of activities on gender and equality promotion within government organizations.

(3) Each government agency must establish a committee to monitor gender equality activities and implementation of the Gender Focal Points with the CGEO as the Chairperson, and with committee members who are knowledgeable and understand issues of concern.

(4) Government organizations will report their implementation activities on the promotion of gender equality, together with gender mainstreaming activities, according to the Master Plan by 31 January of each year.

33. The 1997 Constitution guarantees equal rights in various dimensions. For example, Article 43 specifies the right to basic education in that "Everyone shall have an equal right in accessing basic education for at least 12 years, provided universally by the State, and free of charge." In addition, Article 52 ensures the right to public health in that "Everyone has an equal right to access basic public health services, and the poor have the right to treatment at government public health centers free of charge." Fair labor compensation is specified in Article 86 in that the "Government must facilitate the employment of working-age persons, provide labor protection especially for women and children, organize a labor relations system, and provide social insurance."

34. The present government realizes the importance of the family institution, including children, women and the elderly. Article 10 of the Constitution sets forth a policy for social strengthening in that the government shall develop human resources in terms of their physical and mental health and intellectual capacities, as well as strengthening society's efficiency and sustainability in order to attain high morals and stability. There is also a policy on social empowerment for families, children, youth, women and the elderly, wherein the government must formulate policies to establish caring and strong families as a basis for economic recovery and to provide greater immunity to social problems. Some of the ways by which these will be achieved include the following.

(1) Establishment of a family development center in local communities, with the participation of community members, in order to provide family information and services such as healthy family planning and the resolution of family problems.

(2) Support the establishment of qualified and standardized child care centers in local communities and work establishments.

(3) Amend and effectively enforce laws to protect, suppress and punish offenders who violate children's rights and commit violence against children.

(4) Promote women's rights, status and roles in order to develop their potential and allow their full participation in the development of their communities and country along economic, social and political lines.

(5) Respect and provide security for elderly persons by establishing a social safety net, developing health services, as well as enabling them to use their knowledge and experience for social development.

35. The government, through the Office of the Prime Minister, has assigned the National Commission on Women's Affairs (NCWA) as the focal point for promoting and coordinating women's affairs. The Commission's Chairperson is the Prime Minister or a Deputy Prime Minister assigned by the Prime Minister. The Deputy Chairperson is a Minister attached to the Prime Minister's Office and assigned by the Prime Minister. Other Commission members include the heads and representatives of government and non-governmental organizations, and other members assigned by the Prime Minister. The Executive Secretary and member of the Commission is the Deputy Permanent Secretary, assigned by the Permanent Secretary. The NCWA has the following mandates.

(1) Propose to the Cabinet the policy and Master Plan for the promotion of women's roles and activities.

(2) Set guidelines for implementing the policy and Master Plan as endorsed by the Cabinet and according to the National Economic and Social Development Plan, as well as to coordinate, monitor and evaluate policy and Master Plan implementation.

(3) Assist other government agencies and organizations, state enterprises and private sector parties in their activities regarding women's development.

(4) Submit to the Prime Minister opinions and recommendations regarding required laws or amendments to existing laws in order to promote activities for as well as the roles and status of women.

(5) Submit to the Cabinet a report on the status of Thai women at least every two years.

(6) Invite government officials and employees, state enterprise workers or other concerned persons to provide answers and comments on, as well as necessary documents for, the Commission's deliberations.

(7) Undertake other activities for women as assigned by the Cabinet.

36. To promote gender equality according to government policy, the Office of the Civil Service Commission launched a policy initiative, dated 18 September 2000, providing a guideline to promote gender equality in personnel administration. Its purpose is to strengthen equal opportunities and the utilization of abilities among women and men within the Civil Service so that they can perform their tasks efficiently for the benefit of their organizations and the public at large. The policy can also be used as a guideline to promote and create gender equality in various dimensions such as work assignments, further education abroad, training, seminars, and promotions.

Article 3: Appropriate Measures

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

37. Thailand has traditionally given priority to women's development, placing it as part of National Economic and Social Development Plans (NESDPs). Women's issues were integrated into the Third NESDP (1971-1976), with plans and projects for women being incorporated into the Fourth NESDP (1977-1981). Thereafter, a long-term Women's Development Plan (1982-2001) was formulated and used as a framework for developing a Five-Year Women's Development Plan in the Fifth NESDP (1982-1986) and Sixth NESDP (1987-1991). Thailand's promotion of women's development conforms to the United Nations Declaration made during the International Women's Year in 1975, and in 1976-1985 as the women's decade for promoting equality, development and peace, in order to raise global awareness about the significance of women and the importance of women's issues.

38. Within the Ninth NESDP (2002-2006), the National Committee on Policy Development under the NCWA drafted the Women's Development Plan. This Plan focuses on long-term development and is in line with the Ninth NESDP's vision of a self-sufficient economy and the principle of sustainable development. The Plan places priority on human resource development. It is also in support of the 1997 Constitution that guarantees women's rights and promotes equality between men and women, the Human Rights Declaration, CEDAW including the Political Declaration and Plan of Action, and the recommendations to initiate new guidelines to implement the Beijing Declaration and Platform of Action at the 23rd UN General Assembly Special Session (June 2000) and the assessment and monitoring of this Platform.

39. The vision that embraces the Women's Development Plan includes the following.

(1) All women develop to their fullest potential in all fields and become valuable human resources, self-reliant and able to live with dignity throughout their lives.

(2) All women have the right to participate in decision-making at all levels.

(3) All women are protected from family, community and society and are treated on an equal basis with men.

(4) Women benefit from effective and strong management and administration aiming at the advancement of women.

40. The Women's Development Plan during the Ninth NESDP (2002-2006) consists of five strategies for women's development, namely:

(1) The improvement of women's potential.

(2) The participation of women in all levels of decision-making.

(3) The promotion of equality and social protection.

(4) The improvement of mass media regarding women's issues.

(5) Development of organizational and administrative managerial mechanisms for women's issues.

41. Apart from setting a clear framework and direction for women's development as mentioned earlier, the general principle of Article 30 in the Constitution also guarantees

equality between men and women. There is no discrimination in Thai laws; women and men have equal access to government services, such as public health, education, employment, property ownership, social welfare, and political participation.

42. Additional factors promoting gender equality include the following.

(1) In terms of the process by which laws are drafted, the 1997 Constitution stipulates in Article 190 that in drafting laws that have been determined by the Majority Leader (Speaker) of the House of Representatives as pertaining to children, women and the elderly, and in cases where the committee responsible for drafting such laws is not comprised entirely of House members, an extraordinary committee can be established wherein at least one-third of the Committee members are non-governmental organization representatives working on specific issues related to the draft laws.

(2) Women have equal rights as men in drafting laws. Following the Constitution's Article 170, the 1999 Law on Proposing New Legislation stipulates that no less than 50,000 eligible voters can submit a request to the House of Representatives to consider laws concerning the rights and freedom of the Thai people. According to Article 105 of the Constitution, such eligible voters must be: 1) Thai nationals, or have been nationalized for at least five years; 2) at least 18 years of age on the 1st of January of the election year; and 3) have their names registered in the area in which they live (in the local census registrar) for at least 90 days.

(3) The 1999 Human Rights Commission Act is the principle mechanism for protecting and promoting human rights as stipulated in the 1997 Constitution. Article 5 specifies establishing a National Human Rights Commission, comprised of one Chairperson and ten members appointed by the King and in consultation with the Senate. The Commission's members must be qualified experts in human rights protection. Participation by both men and women as well as non-governmental organizations working on human rights issues must be considered. Presently, the Human Rights Commission is composed of 11 members (five women, six men) who have the following mandates: (a) examine and report on actions or negligence that violate human rights or are not in accordance with international commitments that Thailand has made, as well as propose appropriate intervention measures to rectify violations to responsible persons or parties; (b) suggest policies and recommendations to improve laws, regulations and obligations to the House of Representatives and the Cabinet to promote and protect human rights; (c) promote education, research and the dissemination of knowledge on human rights; (d) promote cooperation and collaboration among government organizations, non-governmental organizations and other parties with respect to human rights; and (e) prepare annual reports that assess the human rights situation within the country and propose these to the House of Representatives.

(4) The Ombudsman is another mechanism for safeguarding human rights as stipulated in the 1997 Constitution. This position is a channel whereby people can submit complaints against unfair treatment by the government, even if such treatment by State authorities is in accordance with prevailing laws. The Ombudsman is mandated to consider complaints and investigate evidence related to treatment by government officials, government workers or other employees of government organizations, as well as those of state enterprises

or local government bodies. Such complaints and evidence must be investigated irrespective of whether such treatment is in line with the law or outside of existing lines of authority, derives from negligence in performing official duties, and where it causes unfair damage to the plaintiffs or the public.

Article 4: Special Measures

Adoption by the States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entails as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives or equality of opportunity and treatment have been achieved.

Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

43. The present government recognizes the necessity of self-reliance and empowering local communities. Consequently, it has implemented an urgent policy to establish Village and Urban Community Funds of 1 million baht per community. People undertaking small and micro-enterprises and household businesses use the funds as resources for investment and income generation. The objective is to raise awareness among and build the capacities of local communities by allowing them to address their needs and learn to manage their affairs based on local values and knowledge. It also benefits the disadvantaged, promotes decentralized authority and develops local systems of democracy.

44. The Village and Urban Fund Committee has revised the regulation pertaining to the administration of funds. Specifically, the committee shall consist of at least nine members, but not more than 15 members, and must have equal numbers of men and women. This regulation gives women an equal opportunity to participate in administering the fund, which will benefit everyone in the community.

45. Within the short period since its implementation, the Village and Urban Community Funds have been reasonably successful. Likewise, women's participation as fund members has been satisfactory. For instance, in Surin province, 2,053 funds have been established entailing a total of 30,260 members (an average of 14.7 persons per fund). Of this total, 18,866 members are men (average of 8.7 persons per fund) and 12,394 have been women (average 6 persons per fund). There are 1,934 male chairpersons and 119 female chairpersons. From such figures, women appear to be participating in managing funds and in voicing their perspectives and needs. The ultimate aim is for women to share equally in the benefits with men, which will lead to greater gender equality at the grassroots level and ultimately at the national level.

46. In addition, Thailand has implemented several temporary special measures, some of which have been successful while others require further development. The latter include attempts to specify a certain proportion of women in various national committees and to specify an equal proportion of men and women on sub-district administrative committees.

Article 5: Sexual Stereotypes and Traditional Attitudes

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is primordial consideration in all cases.

47. Thailand is aware that the traditional roles of women still have an important, negative impact on the upbringing and social integration of young girls in the family, in school and in society. These deeply-rooted stereotypes can lead to unacceptable behaviors that are difficult to change. Three attitudes prevail in society regarding these stereotypes: those related to the jobs and duties of women and young girls, those related to the dangers that they face, and those regarding their abilities.

48. Another stereotype is related to family, community, government and social leadership. These domains are often recognized as belonging to men, and men take on the dominant role. Such an attitude limits the hopes of women in assuming leadership roles and discourages them from making an effort to adopt such roles.

49. However, Thailand's present government is trying to change traditional attitudes through educational reform, in line with the Constitution, wherein Thai society is becoming a learning society. This is an important condition for a knowledge-based economy, one in which all Thais can enjoy equal opportunities to life-long learning, training, and the enhancement of their intellectual capacities for income generation. The main objective is to create confidence in the quality of educational outputs and services, while also ensuring the qualifications of graduates at all levels of training and education. These persons should be well-balanced, equipped with suitable intellectual capacities, morals and an adaptability to continuously learn and keep abreast of social changes.

50. The educational reform will have an impact on changing attitudes with regard to two crucial issues.

(1) In the past, educational administration was centralized. Under the present government, this structure is characterized by the decentralization of power in educational administration and management to educational areas (zones), institutes and local administrative organizations. This move towards decentralization has become necessary since as new situations arose, the former centralized administration became inappropriate in dealing with change. Central level administrators could not solve problems at the local level because they did not understand local conditions. Consequently, through a decentralized educational administrative structure, local people can search for and undertake solutions that are most suitable for their situations.

(2) Learning reform is a crucial element of educational reform and should center on four aspects.

2.1 *Curriculum reform.* The new curriculum should be sensitive to the context in which it is being implemented and have well-defined learning objectives at each level. In addition, local curriculum must be suitably designed to fit the needs of students and the localities in which they live and learn

2.2 *Teaching and learning reform focusing on learners.* In this approach, teachers must adopt a teaching/learning style that maximizes student participation and provides them with opportunities to express their points of view according to their ages and capabilities, thus promoting their freedom to think, rather than focusing only on basic numerical skills.

2.3 *Reform of teacher and educational personnel.* This reform measure centers on developing teachers' capacities to adapt their teaching methods to fit a learner-based system. Teachers may need additional knowledge and skills, as well as encouragement to work harder in helping their children to learn. Capacity development for teachers focuses especially on assisting teachers to develop new curriculum and to apply it using new teaching and learning techniques.

2.4 *Monitoring and evaluation reform* involves setting standards for teacher assessment. A good curriculum, capable teachers and good teaching methods do not automatically guarantee a good education, if they are not used effectively. An appropriate monitoring and evaluation system is therefore required.

51. It is hoped that educational reform will bring about changes in traditional attitudes in Thai society through a focus on persons and humanity, key factors in implementing the educational reform guideline and mechanisms for change.

52. Social values that define the roles of women and men, leading to inequalities within families and society, continue as fundamental challenges. They pose particular obstacles to change, as best exemplified by cases of violence against women where legal procedures and law enforcement do not fully allow victims to exercise their rights. Mass media reports, moreover, are often biased against victims, portraying them as the cause of the problem.

53. Regarding child care, according to the law parents have the duty to support and educate their children while they are minors. Children are under the custody of their parents, which terminates at the death of the parents or when the children reach legal adult age. The law states that women and men are equally responsible for raising their children. In cases of divorce, husband and wife mutually agree as to which parent will have custody of the children. In cases where such an agreement cannot be made, the court will make the decision. Where neither parent is considered a suitable guardian, the court has the right to withdraw child custody and appoint an alternative guardian, but keeping the child's best interest and happiness as a priority.

54. In terms of the husband-wife relationship, in principle spouses are to take care of each other within their abilities and means. In cases where living together may cause physical

harm or mental anguish, or seriously damage the happiness of either party, the person that stands to suffer may request the court to order that he or she live separately while the situation continues. In such cases, the court can determine the amount of compensation to be paid.

Violence against Women

55. Violence against women and children is a major problem that hinders their development. Many women and children suffer from physical, emotional and sexual abuse within the family, at home, in school, in the workplace and even in public places. This situation has existed for a long time, but was antagonized further by the Asian economic crisis which put additional pressure on the family. Simultaneously, society still does not adequately understand and recognize the problem, which has led to inadequate assistance for victims.

56. As in other societies throughout the world, physical and sexual abuse against women persists in Thai society even though the government and non-governmental organizations have conducted prevention campaigns and other measures to solve the problem. Unfortunately, data from various organizations indicate that the situation is worsening. The victims range in age from very young children to the very old, including those who have mental or physical disabilities. Most offenders are family members or acquaintances of the victims.

57. The social perception is that violence against women, and particularly domestic violence, is a family matter, and persons outside the family should not become involved. Consequently, many victims do not want to reveal the details of their ordeal to outsiders, nor ask for assistance or to prosecute the offenders. As a result, the number of reported cases of violence against women greatly underestimates the situation, representing only a small fraction of those who are abused.

58. Statistics obtained from various agencies and organizations reveal the urgency of the problem.

(1) Court data indicate that the number of cases of violence against women is increasing. In 1990, there were 2,817 cases, a number that more than doubled to 5,840 in 1997.

(2) The Information Center of the Office of Planning and Budget, Department of Public Welfare, noted that in the year 2000, and throughout the country, there were:

2.1 4,037 reported rape cases with 2,625 arrests, and

2.2 16 rape and murder cases with 15 arrests.

(3) In 2000, the Child Welfare Protection Division, Department of Public Welfare, reported 97 cases of child abuse in Bangkok and 173 cases in rural areas. Of the total number of cases (270), 197 victims were girls and 73 were boys. The cases included those children who were physically or sexually assaulted and those who were neglected. Most of the offenders were persons acquainted with the victims such as parents, guardians, neighbors and teachers.

(4) The Social Service Division, Foundation for Women, reported that from January to December 2000, there were 97 cases of sexual violence, 84 cases of domestic violence and 50 cases of women who had been trafficked.

(5) The Hotline Centre Foundation reported that from January to September 1999, 480 persons asked for advice about domestic violence, as well as 383 cases concerning rape.

(6) Women's Rights Protection, Friends of Women Foundation, reported that from January to December 1997, there were 1,057 requests for assistance and 1,000 in 1998, 80% of which involved domestic violence and sexual violence.

(7) Statistics from the Child Rights Protection Foundation indicate that from January to November 1998, there were 88 cases of sexual violence against children, as well as those involving physical assaults (33 cases), child prostitution (7 cases), child labor (4 cases), disappearance or kidnapping (5 cases), and homelessness and abandonment (28 cases). In total, there were 164 cases, of which 153 received assistance.

59. These statistics shed only a partial light on the problems that exist; many others remain hidden because of social attitudes, discriminatory laws as well as lack of knowledge and understanding among the personnel concerned.

60. From the statistics above, the problems can be summarized as follows.

(1) **Domestic Violence**. Thai law stipulates that physical assault, whether within or outside of the family, is a criminal offense. But in practice, physical and sexual violence against women by family members, husbands and other relatives still occurs and is made public through the mass media. Most people in Thai society, including offenders within the family and the women themselves, treat the problem as a private matter. Thus, outsiders are reluctant to become involved.

(2) **Marital rape** remains an unsolved issue since a loophole in the law allows such violence to occur. Section 276 of the Penal Code states that rape refers to "... sexual intercourse with a woman who is not his wife." Such wording effectively allows a husband to rape his wife with no penalty. In addition, many people do not understand that rape is a violation of a woman's rights, but rather consider it to be a private matter between the husband and wife.

(3) **Sexual violence against children and women in public places** persists such as in department stores, public parks, buses, schools, temples and government offices.

(4) **Sexual harassment against women** both physical and verbal also continues in offices, factories, public places and among domestic workers, most of whom have not been treated fairly by employers.

(5) **Pornography** exists in magazines, cartoons, videos and on the Internet. Furthermore, "on-line" friends provide another channel to lure young girls, leading to physical and sexual violence.

61. In terms of prevention, progress has been made in eradicating violence against women and children, particularly through collaborative efforts between the government and private

sector in initiating programs and activities, along with improvements and revisions in the law. Some of these achievements are as follows.

62. The Constitution and the Law

(1) The 1997 Constitution addresses the issue of violence in Section 53 which notes "children, youth and family members shall have the right to be protected by the government from violence and unfair treatment." This statement demonstrates clearly society's concern about the problem of domestic violence. This concern is heightened even further by the fact that representatives of people from all walks of life drafted the Constitution, which is recognized as the highest law of the land.

(2) One piece of legislation related to violence against women that has been amended is the Criminal Law on interrogating persons 18 years of age or younger who have been accused of, are victims of, or witnesses to sex-related crimes. The purpose of the amendment is to make the interrogation process more child-friendly and allow children to testify without enduring further hardship. The law specifies several procedures that must be followed, including having a psychologist and social worker participate in the interrogation process and to avoid confrontation between the accused and the victim or witness.

(3) The Legal Advisory Sub-committee of the NCWA has appointed an ad hoc committee to draft a law on domestic violence (which will serve as a specific law) covering measures to deal with the problem appropriately. The law can assist victims of violence, setting up an optional procedure to alter an offender's behavior through a court order instead of relying only on criminal punishment. The draft law is expected to be submitted to Parliament in 2003.

63. Government Policies and Measures.

(1) Cabinet Resolutions on 29 June 1999 endorsed "eight measures to solve problems concerning violence against women" as proposed by non-governmental organizations through the NCWA. Those measures are to guard women's safety both within the family and in public. They include the suppression of pornography, improvement in sex education, and the improvement of services to victimized women, most notably in speeding up the establishment of a center for assisting women in crisis in the emergency section of public hospitals.

(2) On 16 May 2000, the Cabinet also approved Policies and Plans to Eradicate Violence against Children and Women as proposed by the NCWA and drafted by representatives of government organizations, the private sector and academicians. Such policies and plans serve as guidelines for concerned agencies to initiate projects and activities that correspond to their own mandates.

64. Several efforts have been made in terms of providing assistance services for victims of violence such as the following.

(1) A one-stop crisis service center has been established in several hospitals. The center provides medical treatment (physical and emotional) and consultations on social welfare and legal matters for victims of violence. In the Bangkok area, such centers were established in seven hospitals under the Bangkok Metropolitan Administration (BMA) in

1998 through the cooperation of the NCWA and BMA. Several centers have also been established in a number of provinces, starting with the Khon Kaen provincial hospital, followed by 20 hospitals under the Ministry of Public Health. However, those centers still require additional support in terms of personnel, budget and information dissemination to the public, so that people will have enough confidence in the centers to make use of them when needed.

(2) A 24-hour Hotline Center at the Department of Public Welfare has been set up to provide counseling services and handle grievances and complaints, and is staffed by social workers and psychologists. Moreover, the center is responsible for coordinating the referral of victims to concerned agencies. Since 1993, the Department of Public Welfare has also provided another phone service (Happy Line), which revealed that many problems being faced by children, women, the elderly and the disadvantaged stem from economic hardship. The Department has subsequently made adjustments to their services to make them more timely and effective.

(3) The Center for the Protection of Children, Youth and Women within the Police Department was established in 1998 through the collaboration of government and private organizations responsible for assisting children, youth and women whose rights have been violated, especially in cases of assault and sexual violence. Such assistance has been improved to become more "victim-friendly" with the center's officers receiving training to understand more thoroughly the problems being faced by these vulnerable groups. This improvement in assistance is also in line with the new procedure used to take testimony under the revised Criminal Penal Code 1999. However, the availability of such protection centers is still limited to Bangkok and the three provinces of Chiangmai, Songkhla and Chonburi.

65. In addition to government agencies, various non-governmental organizations (NGOs) have also played a great role in protecting and assisting children and women who are victims of violence. These NGOs include the Friends of Women Foundation, the Hotline Center Foundation, Women's Foundation, Child Rights Protection Foundation, Child Protection Foundation, and the Paveena Hongsakul Foundation for Children and Women, amongst others. NGOs in Thailand are extremely essential, since they are more flexible and can respond more rapidly in assisting victims. Most NGO workers, either voluntary or permanent, are knowledgeable and experienced. Furthermore, NGOs work closely with government organizations, which results in more efficient protection and assistance, as well as in continually developing and improving upon coordination efforts, a key feature in assisting victims of violence in Thailand.

66. Several organizations have initiated research studies on violence against women. The Institute for Population and Social Research at Mahidol University, the Foundation for Women and WHO have jointly conducted research on "Violence against Women in Marriage." Moreover, the Health Systems Research Institute has collaborated with various agencies in conducting a series of studies on violence against women and children.

Campaign for Social Awareness and Understanding

67. Campaigns to raise society's awareness and understanding of violence against women are mechanisms for solving the problem in the long-run. Such campaigns should focus on increasing knowledge on the fundamental causes of violence against women including its gender-based underpinnings. Government organizations and NGOs are undertaking the following activities in this respect.

(1) The Cabinet Resolution of 29 June 1999 declared that November is the month to campaign for the elimination of violence against women and children. This Resolution received a positive response by the government and other organizations. Since November 1999, various organizations have worked together to organize annual activities in different parts of Thailand such as the following.

1.1 A public relations campaign has been established that uses various forms of mass media, the distribution of information materials, posters, pamphlets, television and radio spots, which are broadcast locally, including through village broadcasting systems, as well as nationwide.

1.2 Concerts are organized and broadcast on national television featuring singers from various music agencies to distribute slogans and campaign statements to stop violence against women and children.

1.3 Academic conferences and seminars on violence-related issues are being held.

1.4 Networks of youth volunteers have been established to end violence against women and children. They work throughout the country as leaders to change gender stereotypes.

1.5 Parades are held in Bangkok and other provinces.

1.6 Campaigns are conducted for men to join in stopping violence against women in children. Participants where a white ribbon to signify their commitment.

1.7 Several contests are conducted including drawings, slogan development, compositions, etc.

68. The experiences gained from these activities shows that Thailand is making considerable progress, especially in terms of increasing cooperation and strengthening networks among various agencies. Moreover, the mass media has become more cooperative in participating in campaign activities. For example, in 2001 popular television stations throughout the country helped organize concerts and broadcast several public relations slogans.

(2) Organizations in Bangkok and other provinces have worked to disseminate knowledge and provide understanding to the public in terms of training programs and seminars. For example, the ONCWA has held seminars in six provinces on women's issues for female community leaders in order to raise their awareness and understanding of the problem of violence against women. These sessions have helped participants to recognize the

severity of this problem and they have volunteered to be on the lookout for it in their communities.

(3) Several agencies have trained law enforcement officers in order to raise their awareness about violence against women, the revised law to facilitate the protection of women and children, as well as child rights, women's rights and human rights. Police officers have also attended seminars on the problems of women and children and related aspects so as to strengthen coordination mechanisms and promote a multi-disciplinary network.

Article 6: Trafficking and Exploitation of Women

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

69. The legal definition and practical guideline pertaining to the trafficking and exploitation of women in Thailand covers commercial sex work, labor exploitation, forced begging and any immoral act. This definition is broader than that of CEDAW, which focuses mainly on trafficking and the sexual exploitation of women.

Thailand's Situation on the Trafficking and Exploitation of Women

70. The trafficking and exploitation of women is an extremely complicated problem. In the past, trafficking was mainly conducted in-country by bringing women and children into the commercial sex trade. During that period, the number of child prostitutes was quite high. The current situation, however, has changed. The number of prostitutes has decreased since the government has implemented a protective plan and a strategy to eradicate the allied problem of AIDS. More Thai women have gone to work abroad in the sexual service business, however, while the number of foreign prostitutes in Thailand has increased. Since 1990, moreover, the effects of globalization have once again facilitated migration and trafficking, and not simply for commercial sex purposes. International crime organizations have also played a role in promoting trafficking.

71. Thailand has suffered seriously since these international crime organizations have used the country as a buying and selling point for Thai and foreign women who are exploited for a variety of purposes. These organizations also use Thailand as a transit country in order to smuggle women and children within the Mekong Region and to other regions as part of the sex trade.

72. Due to this situation, Thailand has become a country of origin, with Thai women being taken abroad for sexual service work, as well as a country of destination, with women and children being brought into the commercial sex industry and exploited for other reasons within the country. Thailand is also a transit country with women and foreign children being brought in for the purposes of sending them to other countries as commercial sex workers or for other forms of exploitation.

73. The forms of trafficking in women that has the most negative impact on Thais are for the purposes of sexual exploitation, labor exploitation and use of foreign children as beggars.

Thailand's Actions

74. The Thai government has recognized the problem of trafficking in women and children and has tried to find simultaneous solutions to both domestic and cross-border sex trafficking. Non-governmental organizations have been playing crucial roles, along with the government, to fight this problem through formulating and implementing policies, enacting laws and undertaking joint projects. In addition, the Thai government has also joined hands with foreign governments, international agencies, and non-governmental organizations at national, regional and international levels. It is clear that since 2000, greater cooperation has arisen to solve the trafficking problem. For instance, regional groupings such as ASEAN and ASEM have shown their interest through a greater number of workshops and seminars to find feasible solutions, since they recognize that the trafficking of women and children requires national, regional and global cooperation. No one country can solve the problem alone. Each country has its own internal causes and contributing factors, leading to different problems, whether these are economic, educational or social in the country of origin, as well as on the demand side for receiving countries and including the impact of globalization. Internationally organized crime is often a main catalyst that causes the problem to grow more rapidly and seriously.

75. Since 1996, the situation of trafficking and the exploitation of women has worsened. Consequently, Thailand has introduced a number of measures to address it. Some of these measures are noted below.

Legal Measures

76. Thailand has enacted a specific law dealing with the trafficking and sexual exploitation of women, as well as a number of related laws. Most of these laws are newly enacted or have been amended. The content of the laws is progressive, covers new situations that have arisen, and is intended to protect the human rights of victims caught in the grasp of human trafficking. At the same time, the laws impose heavy penalties on offenders dealing in the sex trade, involved in labor exploitation or forced begging, or any other immoral act. Such laws are described below.

77. The Trafficking in Women and Children Law refers to "The Measures for the Prevention and Suppression of Trafficking in Women and Children Act of 1997." This law is for offenders who buy, sell, distribute, bring from or send to, receive, hold, detain or provide women or children to commit or accept any action leading to sexual gratification of austlier or for other obscene purposes, or in order to unfairly exploit for benefit of oneself or others, whether the concerned women or children consent to it or not. The penalty is up to five years imprisonment, a fine of up to 10,000 baht, or both. This law also provides witness interrogation of women and children beforehand, whether or not the offenders can be arrested. This is to protect witnesses from threats and to gather evidence for later prosecution.

78. The law covering the exploitation of women in commercial sex work is "The Prostitution Prevention and Suppression Act of 1996." This Act specifies a penalty for a procurer, commercial sex supporter, owner, manager, supervisor in a commercial establishment, advertiser, parents, or guardians who knowingly allow women or children under their control to engage in sexual services, and the client who engages in sexual relation with children under 18 years of age.

79. Other laws related to the trafficking and exploitation of women in the commercial sex trade are as follows.

(1) Amendment to Penal Code Act (No.14) 1997 which extends the penalty for offenders who exploit women and children in cruel working conditions, forced begging, as well as similar offences against boys, including offences conducted outside Thailand, giving the Thai court the authority to prosecute.

(2) Amendment to Penal Code Procedure (No. 20) 1999 defines the interrogation process for child victims or child witnesses both in the process of investigation and in court. It specifies that a separate and appropriate place must be provided for their testimony. Psychologists, social workers or any persons requested by the child witness/victim and the general prosecutor must participate in the investigation procedure. In cases where a witness must leave the country or he/she does not have permanent residence, a testimonial must be conducted immediately. The court testimony process may use video-tape or the recording of testimony given at the interrogation.

(3) The Prevention and Suppression of Money Laundry Act of 1999 defines the confiscation of money or property obtained from conducting or supporting the conduction of sexual offences according to the Penal Code. This concerns particularly those who procure, lure or bring women and children for sexual purposes or according to the Prostitution Prevention and Suppression Act, especially concerning such actions as they are related with owning, supervising or managing commercial sex businesses, and including sex workers in commercial sex establishments.

80. Prostitution is not accepted in Thai society, but viewed as an immoral occupation involving sexual promiscuity. Traditional attitudes still consider women's status as lower than that of men, and that women should remain virgins until their marriage. After marriage, a woman is expected to remain faithful to her husband and be a good wife and mother. A prostitute, therefore, brings shame and humiliation to her entire family. Recently however, a number of prostitutes have been campaigning for acceptance of the commercial sex trade as honest work and an alternative occupation for women with little education.

81. Although prostitution is illegal in Thailand, the laws do not punish all prostitutes, particularly those who are victims of violence. The Prostitution Prevention and Suppression Act of 1996 only prescribes penalties for those women who offer sexual services through persuasion or insistence on the street or in public places, thus causing annoyance or embarrassment. They are subjected to a fine of not more than 1,000 baht. In case of sexual services offered in brothels, the penalty is imprisonment for one month, a fine of not more than 1,000 baht, or both, unless they are being forced to provide sexual services. If they

advertise, persuade or introduce themselves by using the mass media or other means of public information dissemination, and in the form of clearly asking for or contracting sexual services, the punishment is six months to two years imprisonment and a 20,000 to 60,000 baht fine. On the other hand, the law provides no penalty for prostitutes who offer sex services independently, while also not accepting the legality of prostitution. Children below the age of 18 who are forced into commercial sex work are considered victims and are returned to their families with no charges being made against them. Children who voluntarily enter the sex trade are sent to a public welfare shelter for vocational training.

82. The Prostitution Prevention and Suppression Act of 1996 imposes a penalty on brothel owners or whoever, for the sexual gratification of another person or a third party, commits sexual intercourse or any other act against a person who is below the age of 18 without his or her consent. The punishment is imprisonment for one to three years and a fine of 20,000-60,000 baht. If such an offense is committed to a child under the age of 15 years, the offender shall be imprisoned for two to six years and a fine of 40,000-100,000 baht. However, in practice, only a few such cases are reported. The owners of sex businesses, procurers and agents are considered to be involved in the sex trade and will receive a heavier penalty since they violate women's rights and freedom and destroy their dignity. If the women are below the age of 15 years, the offenders will face the highest penalty of imprisonment for 10-20 years and a fine of 200,000-400,000 baht. In cases where prostitutes are not willing to sell their services but are forced to do so, the Penal Code on sexual offence classifies this act as rape. In practice, though, no such case has been reported, possibly because of the prevailing attitude that prostitutes are not rape victims but are participating voluntarily in the commercial sex industry.

83. In 1996, Thailand has formulated a National Policy and Plan of Action for the Prevention and Eradication of Commercial Sex Exploitation. Moreover, a National Policy and Plan for the Prevention, Suppression and Eradication of the Commercial Sexual Exploitation of Children and Women has been in the process of drafting since the year 2000 and is expected to be completed and entered into force by the end of 2002. This new policy and plan specifies measures to address the complete cycle of trafficking in women and children within the country and across borders. The plan comprises prevention, assistance and protection, legal procedures and suppression, repatriation and social rehabilitation, establishment of an information system, monitoring and evaluation, an administrative and management development system, as well as an international cooperation plan. The plan also has an explicit direction for concrete implementation and focuses on cooperation at all levels, from national to local, and including an implementation mechanism.

84. Thailand has continuously implemented preventive measures for the commercial exploitation of women, particularly in terms of education and increasing women's and children's potential to be self-reliant and obtain employment. This has been accomplished by expanding compulsory education from 6 to 9 years, and providing 12 years of basic education free of charge, a policy that came into effect in 2002. Education reform started in 1999 through the National Education Act which aims to increase the potential for child-centered learning. For instance, 1,000 scholarships are given annually to young girls from poor

families to continue their studies, as well as 100 nursing scholarships. During 1994-2001, the government assisted 60,000 impoverished girls to continue their studies and in 2002 allocated a budget for another 30,000 scholarships. Moreover and because of the 1997 economic crisis, the Department of Public Welfare (DPW) has provided occupational training for 2,500 unemployed women per year; in 2002, this number increased to 3,000 women. After completing their training, the DPW gives the women initial capital to form a group and begin an occupation. It also provides occupational loans of 15,000 baht each for those who start an independent business. In addition, the Ministry of Education has provided 10,500 short-term occupational training scholarship for poor women.

85. To protect women and young girls who are at risk of entering the commercial sex trade, the government has formulated a Long-Term Policy and Plan for Family Development (1995-2005), with a Five-Year Action Plan (1997-2001) that focuses on community-based family well-being, family advice services, and the elimination of violence in the family. On the social front, Thailand is well-known for having numerous entertainment places throughout Bangkok and other large cities. These locations have become gathering places for adolescents at night and have created conditions that make them vulnerable to the commercial sex trade. In 2001, the Ministry of Interior initiated a "Social Order Policy" that prohibits children under 18 years from visiting such entertainment places, specifies an early closing time and sets up zones for entertainment establishments.

86. Due to society's lack of gender awareness, budget allocations to Ministries and departments often benefit men more than women. Consequently, the government has focused on integrating gender considerations into all programs and projects undertaken by government organizations. A Chief Gender Equality Officer (CGEO), a position equal to the Deputy Director-General in each organization, is appointed to continually implement and ensure a gender-sensitive perspective in their agencies. As a result, officers within each Ministry and department will incorporate a gender perspective in formulating development programs. The objective is for the Thai people to develop equally without discrimination; women and children will enjoy opportunities to develop to their fullest potential and will not fall victims of human trafficking.

Cooperation in Solving the Trafficking of Women

87. The Committee on Cooperation to Eradicate the International Trafficking of Children and Women is a national mechanism established in 1998 charged with finding solutions to the trafficking of women and children. The committee is regarded as a focal point for all concerned government and non-governmental organizations based in Thailand that are involved in stopping the trafficking of women and children in the Mekong sub-region. In 2001, Thailand established another national mechanism to protect, repatriate and rehabilitate women and children in this sub-region.

88. The Thai government has a strong cooperative mechanism to combat trafficking within the country including policies and plans to address the sexual exploitation of women, progressive laws covering offences, and mechanisms to promote the potential of women. However, Thailand is still weak in terms of law enforcement, which is a crucial obstacle to

solving the trafficking problem. The government has tried to revise and improve upon the problem of ineffective law enforcement through a memorandum of understanding on a common guideline to be used by agencies for cases where women and children are victims of human trafficking. This memorandum acts as a preparatory guideline for concerned parties to implement their actions in the same direction. The memorandum was signed by the heads of responsible agencies in 1999, namely, the Permanent Secretary to the Prime Minister's Office, the Director-General of the Department of Public Welfare, the Commissioner-General of the Department of the Royal Thai Police and representatives of NGOs working on women and children. The memorandum's main content brings together the essence of laws related to the trafficking of women and children, and is meant to be used as a framework for action and to avoid contradictions in existing laws. It addresses the process of rescuing women and children who are trafficked (both Thai and foreign) from the initial interrogation and witness testimony to obtain evidence, to remedial and rehabilitation assistance, repatriation to countries of origin, and assistance to return to a normal social life. The memorandum also assigns the responsibility of each agency concerned at each stage, particularly the Department of the Royal Thai Police, the Immigration Office, the Department of Public Welfare, the Ministry of Foreign Affairs, Ministry of Public Health, Public Prosecutors Office and the Court.

89. The Committee on Cooperation to Eradicate the International Trafficking of Children and Women has organized seminars throughout the country to explain the memorandum of understanding to 1,500 police and other concerned officers. As a result, even though law enforcement has not yet effectively reached its objectives, some police understand the new laws regarding the trafficking of women and children, the memorandum and assistance guideline as well as the principle of human rights, which must be used together with the law in treating women and children. The Department of the Royal Thai Police has also organized meetings to disseminate information regarding international trafficking, including the trafficking of women and children. In June 2002, it started formulating an international program for intervening in the problem of trafficking in women and children in the ASEAN region. Moreover, the memorandum of understanding has also led concerned parties to become more aware of their roles and duties in assisting women and children who are being trafficked and in systematically coordinating with other organizations.

Program to Resolve Trafficking and Rehabilitate and Repatriate Affected Women and Children

90. This program has been effectively implemented by NGOs working on women's and children's issues with the cooperation of the Department of Public Welfare. The aim is to remedy/resolve the problem of trafficking while protecting and rehabilitating women and child victims. As part of the program, a Division under the Department of Public Welfare runs a special home as a temporary shelter during the rescue, rehabilitation and repatriation process.

91. Thailand has a policy to resolve the problem of illegal immigrants. The August 2001 Cabinet Resolution permitted illegal migrants from three countries – Laos, Cambodia and

Myanmar (Burma) – to register as foreign laborers in order to be entitled to protection under the Thai Labor Law as well as to health insurance. Statistics show that out of 586,246 registered persons, 80% were from Myanmar while 10% were from Laos and Cambodia. Fifty-seven percent were women, while 43% were men. It is expected that this policy will reduce human rights violations against women and children, labor exploitation and possibly other forms of trafficking in women and children.

92. Furthermore, policies and laws have been established to punish employment agencies for human trafficking, which is treated as a criminal act. These policies and laws protect everyone including women and children. The Department of Employment, Ministry of Labor and Social Welfare, is responsible for supervising employment agencies to ensure they follow the law. It also assists every person who sought employment (men and women) but were treated unfairly. The Employment Service Act of 1985 also specifies punishment for employment agencies that are involved in human trafficking by suspending or withdrawing their licenses and making them subject to criminal prosecution.

Cooperation in Solving the Commercial Sexual Exploitation of Women

93. From 1998-2002, the number of foreign tourists in Thailand increased annually from 7.7 million in 1998, to 8.5 million in 1999, 9.7 million in 2000, and 10 million in 2001. Male tourists outnumbered female tourists by 20% annually, though it is not possible to specify the number of sex tourists.

94. The Thai government is giving priority to the exploitation of children in the tourism industry. Since 1998, the government has had a clear policy to promote cultural and family tourism such as to ancient sites in the provinces. In 2001, Thailand collaborated with the World Tourism Organization to organize a regional seminar on "Protection of Children from Exploitation in the Tourism Industry." The seminar focused on raising awareness in countries of origin and destination, formulating social sanctions, blacklisting persons or companies involved in trafficking, developing a code of conduct, as well as disseminating information on laws and cases of arrested tourists.

95. The Thai government continually implements measures to eliminate the exploitation of women and young girls in the commercial sex industry. If an offender is a foreigner and has jumped bail and escaped to his own country, the Thai government will coordinate with the foreign government to have the offender extradited back to Thailand for prosecution. If the foreign government has a law to punish the offender in his own country, then extradition is not needed. Moreover, after punishment and repatriation, the offender will be banned from returning to Thailand according to the Immigration Act. For a Thai national who has committed a sexual offense against a woman or child in another country, and has returned to Thailand, the Thai court will prosecute the offender according to Penal Code Amendment Act (No. 14) of 1997.

96. Regarding policies and laws on marriage to a foreigner, both men and women can marry without government intervention. However, some Thai women face the risk of being tricked

by their spouses into entering the commercial sex trade in other countries, which is often controlled by internationally organized crime syndicates.

97. In terms of child rights, the same situation still exists as in the 1997 report. Thailand has withdrawn its reservation to a child's right to nationality. In the past, a child born to a Thai mother and a non-Thai father could not obtain Thai nationality. This provision was amended by the Nationality Act of 1992, which gives Thai nationality to all children with a Thai mother or whose father was born in Thai territory. The law was enforced retroactively and is helping to reduce difficulties in proving nationality by allowing a delay in requesting for birth certification if witnesses can confirm that a child was born in Thai territory. The prosecutor's office in each province is responsible for giving legal assistance on this matter.

The Problem of Thai Women Entering into Commercial Sex Abroad

98. Various Thai organizations and Thai Embassies are working to solve the problem of overseas commercial sex. For example, in 1999 the Thai Embassy in Tokyo organized a seminar to promote cooperation in assisting Thai women in Japan. In Germany, the Thai Embassy in Berlin worked with NGOs to help Thai women caught in the sex trade. In 2001, the Cabinet endorsed a guideline to assist Thais who encounter trouble in foreign countries; the responsible agencies being the Ministry of Labor and Social Welfare, Ministry of Foreign Affairs and the Ministry of Public Health. In 2002, the Ministry of Foreign Affairs was allocated a budget of 22 million baht to assist Thai people and particularly Thai women who face difficulties in foreign countries, especially in terms of facilitating repatriation and the hiring of volunteers in foreign countries to assist Thai women.

99. The government has also put into place for 2002-2006 a domestic policy entailing five programs to prevent and assist Thai women who may face problems abroad. The first program was implemented in July 2002 in four provinces in Northern Thailand and will be expanded to cover the entire country in the following years. The program provides Thai women with information and knowledge about the way of life in foreign countries, working conditions/income from commercial sex, and the techniques of organized crime before they decide to go abroad. The government has also promoted and supported network building to assist and monitor high risk areas where agents persuade local people to work abroad.

100. In cases where female sex workers are arrested in foreign countries, they will be repatriated back to Thailand and the Ministry of Foreign Affairs will keep their names on file for future consideration in issuing passports. For those who are tricked into the commercial sex trade, after they have been assisted to return home, the government will request their cooperation in providing details about their "recruiters" and the women will be treated and protected as witnesses.

Article 7: Political and Public Office

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the rights:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

101. During the current reporting period, much progress has been made compared to the 1998 report. The past three years was the period of the Women's Development Plan under the Eighth National Economic and Social Development Plan (NESDP; 1997-2001). The 1997 Constitution, Article 30, also stipulates equal rights between women and men. Consequently, the government has made several efforts to promote the advancement of women in political and public life within the framework of the Women's Development Plan and the Constitution (details below).

102. However, progress has been gradual, since it takes time to change entrenched stereotypes and values concerning women's traditional roles as housewives and men's as the locus of authority. Nonetheless, a pro-active stance has been taken, particularly to enhance women's political potential as a crucial strategy of the Women's Development Plan during the Ninth NESDP. The latter especially focuses on eliminating discrimination against women, together with increasing the proportion of women in decision-making positions to a level equal to men (50:50).

Elected Positions

103. Article 68 of the 1997 Constitution specifies that everyone has a duty to vote, which means that both women and men should exercise this right equally during elections. Sex dissagregated data are available in this regard for the Senatorial election in 2000 and the House of Representatives election in 2001. Unfortunately, since responsibility for such information collection has changed from the Department of Local Administration (which formerly collected such data) to the Office of the National Election Commission, such information is no longer collected. Nonetheless, local elections remain under the responsibility of the Department of Local Administration, and their data show that women are using their right to vote, even more so than men. For example, for the Local Administration Council election in 2001, women's votes comprised 51.75% of the total. For the Municipal Council election and that of the Provincial Council in 2000, women cast 53.9% and 52.2% of the votes, respectively. Moreover, data collected since 1995 to the present time indicate that 52.32% of women at all levels exercised their right to vote.

104. The first Senatorial election occurred in Thailand in 2000; previously, senators were appointed. Vying for the 200 Senate seats (six-year term) were 1,532 candidates (1,418 men; 114 women or 7.4%). Women represented 9.5% of those elected. Irregularities resulted in two additional elections, wherein the proportion of elected women increased to 10.5% (compared to 8.5% in 1996 when they were appointed). Presently, women hold 10% of Senate seats. The election for the House of Representatives (four-year term) in 2001

employed a new election system, with candidates coming from a party list (100 persons) and from each electoral area (400 persons). There were 3,163 male (86.8%) and 483 female (13.2%) candidates. Forty-six women were elected or 9.2% of the total. Compared to 5.6% in 1996, much progress has been made in raising the percentage of women in the House of Representatives, though the proportion remains low compared to men. In March 2002, in a supplementary election, two additional women were elected, representing a decline from four women who were previously elected but had to stand for re-election.

105. Data from the Department of Local Administration in March 2002 shows that the local government administration was divided into 75 provinces, 795 districts, 81 branch districts, 7,255 sub-districts, and 71,864 villages. The Thai population in 2000 was 61,878,746 people (30,725,016 men; 31,153,730 women). There were 1,129 municipalities (20 city municipalities; 80 urban municipalities; 1,029 rural municipalities), 75 provincial administrative councils; 2 special local administrations (Bangkok and Pattaya), 6,744 local administrative councils, and 214 sub-district councils.

106. In terms of local elections, progress has been gradually made in increasing the proportion of female representatives, most of whom are serving four-year terms (Table 3).

107. Currently, data on local government councils at all levels, including village and sub-district headpersons, show that women's participation in local politics is lower than that of men. The proportion of women also declines as the level of the position rises. However, women are being increasingly elected into local government positions. For instance, women represented 6.9% of local administrative council members in 2000, while in 2002 this proportion increased to 8.9% (Table 4).

Table 3. Number of women and men in local elections during 1997-2001

Election	Year	No. of candidates			No. of candidates elected		
		Women	Men	% Women	Women	Men	% Women
Local Administrative Council	2000	11,594	100,107	10.4	3,855	42,290	8.4
	2001	17,082	136,368	11.1	6,288	61,644	9.3
Municipal	1999	408	3,046	11.8	142	1,304	9.8
	2000	Sex-disaggregated data not available		42	408	9.3	
Province	2001	862	6,278	12.1	168	2,020	7.8
Bangkok Metro.	1998	42	277	15.6	10	50	16.7
District	1998	135	792	14.6	31	229	12

***Note**: Elections shown in the above table are only for major elections with varying terms of election.*

Table 4. Numbers of female and male members at Local Council and Local Administrative levels

Local Councils Members (including Head of sub-district and Villages 2001	**Female**	**Male**	**Percentage of Female**
Heads of Village	1,240	60,328	2
Heads of Sub-district	163	2,928	2
Heads of Sub-district Council	3	216	1
Members of Local Administrative Council (LAC)**	11,306	116,288	8.9
Chairpersons of LAC	197	6,550	3
LAC Members**	2,053	31,440	6.1
Municipal Members			
Head of Municipal	16	1,053	5.3
Member of Provincial Administrative Council (PAC)			
Head of PAC	2	73	3

***Note**: Data from Local Administrative Department in May 2001 ** Data from Local Administrative Department in March 2002*

108. Figures from the latest election in 2001 showed that three women, out of 35 members, were on the Council of Ministers (or 8.6%), being appointed to the positions of Minister of Public Health, Deputy Minister of Labor and Social Welfare, and Deputy Minister of Education. All of these positions relate to the traditional roles of women.

109. Analysis of the policies of the five major political parties (Thai Rak Thai, Democratic, New Aspiration, Chat Thai, Chat Pattana) with respect to increases in the number of women candidates and administrators (appointed and elected) reveals the following.

(1) Each party's policy on the promotion of participation at the decision-making level is a general policy, not focusing on any particular sex.

(2) Each party's social development policy contains the issues of rights protection and welfare for women and the disadvantaged, but details differ. For example, the Thai Rak Thai party promotes social welfare and rights' protection. The Democratic party focuses on equal rights and opportunity/access to resources and welfare. The Chat Thai party embraces rights' protection, welfare, rehabilitation, women's labor, and advocating for laws to protect women's rights. The Chat Pattana party's policy centers on rights' protection, welfare and the elimination of violence, as well as prevention and suppression of prostitution.

(3) Every party addresses women's concerns in terms of their requiring assistance, protection, development and the receipt of benefits from development, rather than on building capacities or knowledge to improve their potential.

110. However, the political parties do provide three types of training for their members: orientation training, training on political leadership to improve their potential, and training as party operators.

111. A study on political membership found that only a few parties have sex disaggregated data. As executive members (i.e., party consultant or head of the party's consultant), there are fewer women than men, with some parties having no women in such positions. In addition, no clear information exists about measures to promote women to administrative position (Table 5).

Table 5. Number of female and male party administrators

Party	Party admin. members			Party Consultants			Head of Party Consultant			% of women
	M	F	Total	M	F	Total	M	F	Total	
Thai Rak Thai	29	2	31	27	1	28	32	2	34	5.4
Democrat	43	4	47	6	-	6	-	-	-	7.5
Chat Thai	52	7	59	13	-	13	9	-	9	8.6
Chat Pattana	30	5	35	23	1	24	-	-	-	10.2
% female members		10.5			2.8			4.7		

112. Women are not discriminated against in becoming election candidates. Many parties actually claim to have difficulties in searching for qualified women, and suggest that a women's network should give them assistance in this matter. In practice however, political parties have no means or measures to search for women who can become candidates, and many women face difficulties at all levels in running for election. Women number less than 20% of all candidates; at some levels, the proportion is less than 10%. Hence, fewer numbers of women become elected.

113. Regarding the allocation of women in the party list, which does not exceed 100 persons per party, for some parties 25% of those listed are women, while in other parties this percentage is much smaller, with women being put way down on the list.

Official Administrative Positions

114. Female administrators appointed in 2001 include one female provincial governor (in 2002, there were no female provincial governors) and one deputy provincial governor. In addition, out of 6,283 district officers, 714 (or 11%) were women. This is increase from 1993 when female district officers represented only 0.2% of the 7,890 positions. Currently, there is no female Permanent Secretary to the Governor, nor female district director, although discrimination in government positions has been eliminated.

115. Data on the numbers of Executive Administrators in 2000, obtained from the Office of the Civil Service Commission, indicate that in the position of Inspector-General there were 87 men and 12 women (12.1%). In the Police Force, no women held the following positions: Police Commander, Deputy Police Commander, Assistant Police Commander, Commissioner. In 2000, the highest position held by a women (and one woman only) in the police force was Pol. Major General. In the judiciary, no women held the following posts: Attorney General, Deputy Attorney General, Director-General.

116. The numbers of women and men in the judiciary from 1998-2001 are shown in Table 6.

Table 6. Number of females and males in the justice field, 1996-2000

Position	1996			1999			2000		
	F	M	% F	F	M	% F	F	M	% F
President of Supreme Court	0	1	0	0	1	0	0	1	0
Vice-president	0	5	0	0	5	0	0	5	0
Judges of the Primary Court	0	25	0	1	24	4	1	24	4
Judges of the court of Appeals	0	4	0	0	10	0	0	10	0
Judges of the Supreme Court	0	9	0	0	10	0	1	10	9.1
Officials	178	1,449	10.9	200	1,477	11.9	210	1,526	12.1

117. From 1997-2001, the number of female judges to the Primary Court, the Court of Appeals and the Supreme Court increased compared to figures in the 1996 report. Though this increase was small for the Primary Court, a dramatic increase can be seen for the Court of Appeals and the Supreme Court. In 1995, women comprised only 9% and 0.8% of the members of the Court of Appeals and the Supreme Court. Five years later in 2000, these percentages increased to 18.8% and 5.8%, respectively, or a doubling of the percentage of women on the Court of Appeals and a six-fold increase in the percentage of those on the Supreme Court.

118. For 2001-2002 in particular, information as noted in Table 7 was not classified by each court level. However, the overall figure from the three courts indicates that in 2001 there were 2,256 male judges and 500 female judges or 18.4% of the total. In 2002, the figures were 2,118 male judges and 518 female judges or 19.65%.

Table 7. Number of female and male judges, 1998-2001

Judges of the Court	1998		1999		2000	
	Female	Male	Female	Male	Female	Male
Primary Court	328	1,411	385	1,545	366	1,503
Percentage female	18.9		19.9		19.5	
Court of Appeals	41	295	57	297	72	312
Percentage female	12.2		16.1		18.8	
Supreme Court	3	125	6	122	9	146
Percentage female	2.3		4.7		5.8	

Table 8. Number of administrators levels 9-11, 1998-2000

Year	Male	Female	Total	% Female
1998	405	63	468	13.5
1999	411	59	470	12.5
2000	411	66	477	13.8

***Note**: Administrator refers to a chairperson or vice-chairperson of the official organization at the level of Ministry or Department*

119. The Office of the Civil Service Commission has been collecting data on officers at the executive level (C9-10). Figures for 1997-2000 are shown in Table 8 above.

120. The ONCWA made an effort to compile a database on national committees appointed by laws, regulations made by the Office of the Prime Minister and Cabinet resolutions for the period of September-October 2001. They elicited the cooperation of 172 government agencies, State enterprises and independent organizations, out of which 140 organizations responded with information covering 322 committees. Results show that there were 5,328 male committee members (84.06%) and 1,010 female committee members (15.94%). Sixty-three committees (or 19.57%) had no female members, although women were often assigned to attend committee meetings. Of those committees/commissions dealing with laws and regulations, those with only a few, to no, women include the Attorney General's Commission, Office of the Council of State, Department of the Royal Thai Police, and the Commission on Economic and Social Development.

Obstacles to Women's Participation in Political and Public Life

121. The data above indicate that only a small percentage of women participate on national level committees, but this is still more than in the political sector. Among the factors leading to women's low participation are lack of confidence in women's abilities as well as constraints in the sexual division of labor. Most committees are composed of members who were assigned based on their positions. Since more men than women hold such positions, women have less of a chance to be appointed. In addition, in appointing experts to the committees, it is believed that men are more suitable than their female counterparts in some instances. Committees related to policies on basic infrastructure, legal and regulatory areas are dominated by men, while women are concentrated more on committees related to social issues.

122. While there has been improvement in the proportion of women in political and public life, the situation is not yet satisfactory. Obstacles still exist that prevent women from participating actively in politics at all levels, most notably traditional stereotypes and attitudes that discriminate against women. For instance, men occupy a high status in institutions of power, including the household. But while greater numbers of women now take part in public life, socialization practices tie them firmly to the household. Although the government has provided basic community services that partly relieve women of household work and allow them to partake in public activities, such services (e.g., child development centers through the Department of Community Development) are still insufficient and do not cover all parts of the country. Hence, many women are still responsible for child care and other household duties, leaving them little time for public activities.

123. Traditional stereotypes and attitudes impede women from participating in the worlds of politics and institutionalized power where it is believed that men are more suitable. Family members often do not encourage women to participate in politics, since society places more confidence in men's leadership. In some areas, women's roles and abilities are not accepted, even by other women. Those women who are not ready to participate in politics oftentimes lack leadership qualities and confidence, and are reluctant to join public forums where men usually dominate. They have no enthusiasm to learn about politics, thinking that it is a male domain. Simultaneously, some women want to participate in politics, but cannot access the necessary knowledge and information to fully do so, nor do they have proper experience. All of these factors are essential for effective local administration. Other factors that can promote political life, but are often not possessed by women, include influential social networks, local influence and capital for use in campaigning. Moreover, some local organizations are not interested in allocating funds for developing women's potential, largely because they focus on general capacity development (men and women), rather than specifically on building the capacity of women.

124. In addition to the above constraints, women in some areas are discriminated against or experience violence when they become politically active, either as candidates or members of local administrations. Some female candidates face powerful competitors and have been accused of sex scandals in order to discredit them. Others are assaulted or coerced by their competitors. Moreover, women in local administrative organizations become objects of envy

by their female colleagues, and thus they may not be given credit for their capabilities and may even be sexually harassed. In order to solve problems, decide conflicts or protect their interests, male political candidates or members of local administrations often resort to violence against their opponents, thus causing damage to property or even death. Such events constantly appear in the mass media during elections.

Measures to Promote Women's Participation in Politics and High Level Government Positions

125. During the past few years, the Thai government has implemented measures to increase women's participation in politics through the cooperation of national policy networks, government implementing agencies, non-governmental organizations and women's groups. Efforts have concentrated on increasing knowledge, enhancing the skills of female leaders concerning the Constitution and civil participation, training in politics/local administration for women preparing to be electoral candidates, and the training of local trainers for women (as a target group) both inside and outside of local administrative organizations. Such training programs have been partially funded by international organizations. Furthermore, the government has organized brainstorming forums for women's groups (Women's Development Committee), encouraged the formation of networks, and provided financial subsidies to improve the potential of local women. Necessary information has also been disseminated, as well as the holding of mass media campaigns to encourage women to become candidates and to support and vote for female leaders. In addition, the government also works with women's networks to implement a variety of activities such as meetings with political party leaders to encourage their recognition of women and ask their support in increasing the number of female candidates. The Office of the Civil Service Commission also holds an annual training program for women in executive positions and supports their networking.

126. The Thai government has made an effort to mainstream gender perspectives into the policies, programs and projects of national level committees. The ONCWA has submitted a proposal to the Cabinet regarding the equitable appointment of women to national committees. It is expected that the Cabinet's approval will lead to national gender-sensitive programs and projects that respond to women's needs. In terms of protecting women's rights, a Commission on Human Rights has been established according to the Constitution. Members are screened and selected from experts and academicians with an almost equal proportion of men and women (5 women, 6 men). At a local level, Village Fund Committees – established based on the number of villages – have an equal proportion of male and female committee members. This is the result of active campaigning by women's organizations, which led the Thai government to realize the important role women play in community development.

127. One factor ensuring women's participation at the decision-making level is the mainstreaming of gender equality, which is being implemented within the central government and will be gradually expanded to provinces and local areas. To promote gender equality, the

Office of the Civil Service Commission has formulated a guideline for promoting gender equity in government personnel administration, which all agencies are encouraged to use.

128. In the near future, the promotion of gender equality will not be simply the central government's direct responsibility. Rather, it will be the ingrained mission of all government sectors, resulting in the formulation of gender-sensitive programs and projects throughout the entire governmental system. Women will thus have an increased chance to reach executive administrative levels. To achieve this goal, and as noted earlier, the Cabinet made a resolution in July 2001 wherein every Ministry and department must appoint an executive administrator at the level of at least a Deputy Permanent Secretary or Director-General to act as a Chief Gender Equality Officer (CGEO). They must also appoint a focal point for gender equality as well as formulate a master plan to mainstream gender into programs and projects, as well as coordinate and report on their implementation to agencies within and outside of their Ministries and departments, including the Office of the Civil Service Commission and ONCWA. To facilitate this process, meetings have been held with high-ranking officers in all government organizations to explain the importance of gender equality. In addition, gender mainstreaming training sessions have been organized in nine government organizations with financial support from The World Bank.

Women's Participation in the Private Sector

129. Data from the Department of Welfare and Labor Protection indicate that there are 285,000 labor union members (sex disaggregated data for this total are not available). Of these, 12,215 are at the administrative level and are comprised of 8,072 men and 4,143 women (33.9%). There are 1,066 administrators in State enterprise labor unions, with 928 male members and 138 female members (12.9%). Furthermore, the Labor Protection Act specifies that establishments should set up welfare committees. There are 11,206 such committees (sex disaggregated data are not available).

130. The Constitution is the major mechanism for ensuring the participation of concerned NGOs and women's groups in national policy formulation. It guarantees equal rights for women and men under Article 30, which focuses on the equal participation of women and men in public activities. Article 170 gives the right to not less than 50,000 eligible voters to propose a draft law to Parliament, thus allowing women's networks to propose new laws in order to promote women's equality. Article 190 recognizes the important roles the private sector in drafting new laws or Acts which affect children, women, the elderly and persons with disabilities. In these cases, an extraordinary parliamentary committee is appointed, wherein at least 30% of its members are representatives from concerned NGOs.

Article 8: International Representation and Participation

State Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

131. As of June 2001, 27 Thai nationals were working in United Nations agencies, of which 14 (or 50.85%) were women. Most were professional staff (levels 1-5) and among the 13 men, one held the position of Assistant Secretary-General.

132. The proportion of women at the executive level in the Ministry of Foreign Affairs is low. Data for the past five years (1998-2002) indicate that there are more female government officers at levels 2-5 than men. However, from level 6 upwards, which is at the level of a department head, there are more men. In 1998, 24.75% of government officers at levels 8-11 in the diplomatic field were women, whereas in 2002 this percentage increased slightly to 29.63%. It is noticeable, however, than the higher the official level, the lower the proportion of women.

133. The number of level 4 and higher women in the diplomatic field and posted in foreign countries is lower than for men at all levels. This is partly because fewer women choose to take up positions abroad. In 1998, women in levels 8-10 were 14.05% compared to 18.01% in 2002. The proportion of women posted abroad is only about half of the number of those remaining in the country and working at the Ministry of Foreign Affairs. For Ambassadorial positions, in 2001 there were three female ambassadors out of 59 positions or 5.4%, a figure that is lower than in 1998-1999 (4 women or 7%) and also lower than 2000 (7%).

134. Women are not discriminated against in terms of their participation on Thai delegations to international forums. Appointments are based on tasks and positions, but most executive officers in the government sector are men.

135. The Office of the Civil Service Commission is collecting data on the number of male and female officers in various agencies with offices in foreign countries. Some examples from the data are that in 2002, 13 out of 31 Tourist Promotion Officers (41.9%) were women; for the Office of the Board of Investment, 4 out of 8 of its personnel posted in foreign countries were women.

136. However, data from the Department of Employment indicate that the number of Thais working as private employees in foreign countries numbered 140,014 in 2001, out of which 24,943 (15.1%) were women. There were fewer women than men in all occupations, except in the commercial and service sectors where female workers comprised 63.9%.

Article 9: Nationality

States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

States Parties shall grant women equal rights with men with respect to the nationality of their children.

Marital Rights

137. Current laws do not prohibit marriage to non-Thai nationals. Persons holding Thai citizenship who marry foreign nationals retain their Thai citizenship.

138. According to the Nationality Act of 1965, Thai nationality can be obtained by birth, marriage or changing nationality, but acquiring nationality by marriage still discriminates against women. For men who marry non-Thai nationals, their wives have the right to choose their nationality. For women who marry non-Thai nationals, their husbands do not have this right and can acquire Thai nationality only by officially requesting a change.

139. The NCWA has tried to revise the Nationality Act of 1965 so that foreign men or women who are married to Thais will be accorded equal rights as noted in the Cabinet Resolution of 9 April 1996. The Ministry of Interior which has jurisdiction over this matter, however, has stated that the law should not be amended since it will affect national benefits and security.

140. However, according to the 1997 Constitution, Article 30 stipulates that women and men shall enjoy equal rights before the law. Hence, the granting of Thai citizenship to foreign nationals who are married to Thais should be subject to the same criteria and conditions.

141. The NCWA submitted a recommendation to the Ministry of Interior on 22 April 1999 to make an appropriate amendment to correspond to the Constitution. Presently, the Ministry of Interior is in the process of making such an amendment.

Rights to Land Ownership

142. Article 30 of the 1997 Constitution states that all persons shall enjoy equal rights before the law and receive equal legal protection. Following the Cabinets approval on 11 May 1999, the Ministry of Interior has abolished the criteria limiting the right to own land by Thais married to foreign nationals and their children by setting new criteria to correspond with the Constitution.

143. Consequently, Thai persons – both men and women – who are married to foreign nationals retain the right to purchase land in the country, but that "right" is contingent upon the Ministry of Interior's regulation regarding national security. The rationale for the regulation is to prevent legal loopholes that would allow foreign nationals to hold large amounts of land, leaving little for the native Thai people.

144. Currently, there is no law prohibiting Thai men or women with a foreign spouse to own land, but it must be for personal use and not for use by other foreign nationals.

Traveling Abroad

145. Married women can request their own passports and travel abroad without the consent of their husbands. Thai children may have their own passports but require consent from their parents or guardians to travel until they are of legal age.

Article 10: Education

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievements of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Education in Thailand

146. Thailand is currently reforming its educational system, focusing on learners and the decentralization of power to local communities, including granting everyone equal access to education. The National Education Act of 1999 stipulates that the "Government shall provide all persons with equal rights and opportunities to a quality basic education of at least 12 years free of charge." This Act also clearly states the responsibilities of parents or guardians in ensuring that a child or a person under their custody has access to nine years of compulsory education. The intent is to change parental attitudes and give greater support to girls' education. To facilitate the reform process, the 1999 Act specifies the establishment of an Office for Educational Reform as an ad hoc public organization to propose the structure of the educational agency, personnel, investments, as well as new legislation or amendments to correspond with the National Education Act.

147. The government is upgrading education in Thailand, particularly in terms of policies to support the establishment of private educational institutions, most notably at college and

university levels. These institutions will be able to absorb the large number of students who cannot gain access to the limited number of government institutions. In 2001, there were 24 governmental higher education institutions and 51 private institutions throughout the country, allowing people in the provinces to remain in their hometowns without having to migrate to large cities for an education, as was the case in the past.

148. Progress in education, however, was greatly affected by the 1997 Asian economic crisis. In 2000, the illiteracy rate was 7.71%, an increase from 0.71% in 1990, with women comprising 62% of the illiterate. Women living in non-municipal areas are less literate than those living within municipal areas (89.1% versus 93.5%, respectively). Comparing the literacy rate of women and men by age, men over 60 years are more literate than women at the same age (83.8% versus 66.8%, respectively). These figures reflect past inequality in access to education as well as the inequitable distribution of resources between urban and rural areas.

149. Overall, girls and boys have almost equal access to education at all levels, especially at the tertiary level where there are more female than male graduates (except at the doctoral level) (Tables 9 and 10). In addition, results of competitions for scholarships to study abroad show that girls have the same abilities as boys. Data from the Office of the Civil Service Commission indicate that in 2000, more girls (not including civil service officers) won scholarships than boys (251:201), though scholarship data were not classified by courses of study.

Table 9. Number of male and female students by educational level for academic year 2000

Educational Level	Total Students	Percentage Female
Pre-Primary	2,152,196	48.5
Primary	5,996,507	48.47
Lower Secondary	2,432,706	49.80
Upper Secondary (General Education)	1,138,215	55.76
Upper Secondary (Vocational Education)	516,174	44.00

Source: *Information Center, Office of the Permanent Secretary to the Ministry of Education*

Table 10. Number of graduates from government universities in 1999

Educational Level	Total Students	Number of Females	Percentage Female
Bachelor Degree	73,647	41,749	56.69
Graduate Diploma	1,334	737	55.25
Master Degree	18,069	9,182	50.82
Doctoral Degree	171	83	48.54
Total	**93,221**	**51,751**	**55.51**

Source: *Educational Report of Government Higher Education in the Year 2000, The Ministry of University Affairs*

Measures to Promote Girls' Education

(1) **Educational Load Fund**. Students from low income families can apply for a loan to continue their studies from upper secondary to the bachelor's degree level (general and vocational education) as well as non-formal education after lower secondary within the curriculum and category prescribed by the Ministry of Education. Students must pay back the loan at 1% annual interest after completing their education. The Educational Loan Fund was established under the Cabinet Resolution of 28 March 1995. Responsible agencies are the Ministries of Finance, Education and University Affairs.

(2) **Scholarships for Girls** ("Sema-Life Development").

150. The NCWA in cooperation with the Ministry of Education began offering scholarships to young girls in 1994. The project offers scholarships to girls from poor families living in areas where a large number of girls enter the commercial sex industry. Due to their poverty, these girls are at risk of discontinuing their studies after completing their primary and lower secondary education. The project has been reasonably successful with 4,395 scholarships being awarded in 1994, and by 1999 this number increased to 37,395.

Special Issues of Concern

151. After the combined second and third CEDAW report in 1996, Thailand successfully started master's degree programs in women studies at Chiangmai University in 2000 and Thammasat University in 2001. These programs not only produce qualified persons and experts on women's issues, but they also organize events to raise awareness in Thai society about sex discrimination. However, the programs still face several challenges such as lack of acceptance by university administrators and academicians that women's studies should be included in the social sciences. In addition, Thailand still lacks academicians who are knowledgeable in theories related to women's studies and their application within the Thai social context.

152. The ONCWA realizes the importance of producing gender specialists who can work in government organizations. Consequently, it has requested the Office of the Civil Service Commission to allocate scholarships to the general public and civil service officers to undertake women's studies in foreign institutions. The Civil Service Commission now continually allocates these scholarships, and presently 27 persons hold degrees in women's studies.

153. Gender mainstreaming in education, particularly in basic education, is another channel for disseminating the issues of gender equality and discrimination against women to the younger generation. Consequently, the ONCWA has organized training sessions on gender mainstreaming for personnel from the Department of Curriculum and Instructional Development, Ministry of Education, in order to train those officers who are responsible for textbook and curriculum development to adopt a gender perspective and apply it in their work. Other target groups that have received such training include The Office of the Civil Service Commission, The Budget Bureau, Office of the National Economic and Social

Development Board, National Statistical Office, The Public Relations Department, Department of Industrial Promotion, Department of Community Development, and the Department of Local Administration.

Stereotyping

154. The number of female and male students enrolled in subjects under the Department of Vocational Education still reflects social stereotyping. Men and women enroll in fields of study appropriate to their traditional roles, which leads to limited learning opportunities and leadership improvement. The number of female students is lower than for male. Most female students are enrolled in the fields of domestic science (94.86%), commerce (90.71%) and tourism (83.84%). While in the fields of industry, fisheries and agriculture, the proportion of women is small (3.87%, 29.03% and 34.32%, respectively) (Table 11). Apart from traditional social values regarding women's roles, and the belief that they are not physically capable of participating in industrial activities, the educational system itself has not encouraged women to enroll in this field, seeing it as not appropriate for women and believing that they would face employment problems later.

Table 11. Number of students enrolled under the Department of Vocational Education, 2001

Field of Study	Male	Female	Total	Percentage Female
Industry	301,154	12,113	313,267	3.87
Arts	5,581	5,495	11,076	49.61
Domestic Science	1,537	28,393	29,930	94.86
Commerce	18,570	181,242	199,812	90.71
Tourism	542	2,811	3,353	83.84
Agriculture	21,561	11,264	32,825	34.32
Fishery	1,841	753	2,594	29.03
Total	**350,786**	**242,071**	**592,857**	**40.83**

Source: *Department of Vocational Education*

155. Beliefs about the traditional roles of women and men strongly influence the selection of studies by female and male students in government universities. Women prefer the humanities, medicine, public health (including nursing), and the social sciences, while the proportion of female students in engineering and law is quite low (Table 12). The Office of Educational Assessment and Testing Services, Department of Curriculum and Instructional Development, conducted a study on the examination results of male and female students in upper secondary schools and found that sex had no effect on differences in educational performance.

Table 12. Number of female and male graduates from government universities in 1999 by fields of study

Fields of Study	Female	Male	Percentage Female
Humanities and Region	2,454	495	83.21
Medicine and Public Health	8,961	3,267	73.28
Social Science	21,642	14,831	59.34
Natural Science	3,968	2,655	59.91
Educational Science, Teachers	6,303	5,101	55.27
Arts	469	435	51.88
Agriculture, Forestry, Fishery	2,119	2,329	47.64
Law	1,230	3,913	23.92
Engineering	1,511	7,757	16.30

Source: *The Report on the Study of Government Universities in 2000*

156. The NCWA brought the issue of eliminating educational discrimination before the Cabinet and recommended that the quota system according to sex be abolished in selecting students for higher education institutions, both under the Ministry of University Affairs and other government agencies in all faculties and subjects. The Cabinet gave its approval on 26 November 1996 and concerned agencies were informed of this change.

157. Since 1998, no quota limit has been applied on the number of women or men selected for study in all higher educational institutions in Thailand. If one considers the proportion of female and male students in subjects that used to favor women, existing data show that the proportion of women in the Faculty of Veterinary Science, Chulalongkorn University, increased from 37.65% in 1998 to 51.65% in 2000. For Kasetsart University, the proportion of women in the Faculty of Forestry increased from 29.35% to 31.21% during these same time periods. Hence, such figures appear to indicate that discrimination in educational institutions is declining.

158. The Vocational Education Department, which oversees vocational institutes throughout the country, responded positively to the Cabinets' resolution and the NCWA's request regarding equal access to education for women and men. The announcement inviting students to apply for vocational certification in 2002 specified that the qualifications of applicants would be assessed according to the system and the curriculum learning method must take equality between women and men into consideration. In addition, a monitoring system would assess whether or not the number of female students in some areas of vocational education increased after that official announcement.

Non-Formal Education

159. Adult education or continuing education refers to education given outside the formal school system for people aged at least 15 years. This system facilitates access to education by

illiterate persons, anyone who cannot participate in the formal school system, students who have dropped out, as well as those living in remote areas. The non-formal education curriculum, the development of which falls under the Department of Non-formal Education, responds to the needs of all target groups and comprises both general and vocational education.

160. Data from the Department of Non-formal Education indicate that in 1999 there were 1,407,213 women and 1,234,573 men registered with the Department (Table 13). Overall, slightly more women were enrolled in all subjects than men. However, detailed information is not available on the occupations chosen by women. Fewer women living in mountainous areas were enrolled in the community education curriculum, which indicates that women living from minority ethnic groups (hilltribes) have not yet achieved equal access to education.

161. The Department of Non-formal Education initiated a life-long education program for women in 1997 that focused on establishing networks and coordination mechanisms between various agencies, both government and from the private sector, involved in the education and training of women. Unfortunately, the project's implementation was delayed and scaled-down due to the 1997 economic crisis and changes in administration.

Table 13. Number of students registered with the Department of Non-Formal Education, 2000

Curriculum	Male	Female	Total	Percentage Female
1. General Education Primary School				
Primary School	82,387	73,481	155,868	47.14
Lower Secondary School	384,840	285,048	669,888	42.55
Upper Secondary School	354,688	290,949	645,637	45.06
Basic Education	16,052	17,295	33,347	51.86
Community Education in Mountainous Areas	40,220	37,023	77,243	47.93
2. Vocational Education Curriculum				
Short-Term	212,503	423,356	635,859	66.58
Interested Groups	122,382	251,381	373,763	67.26
Occupational Certificate	17,739	20,592	38,331	53.72
Vocational Certificate	3,762	8,088	11,850	68.25
Total	**1,234,573**	**1,407,213**	**2,641,786**	**53.27**

Source: *Department of Non-formal Education*

Education for Disadvantaged Women

162. The Department of Non-formal Education allows women who cannot access the formal educational system to register in their programs. These programs provide a variety of choices to fit individual needs and situations (Table 13). In addition, this Department also sends teachers to teach groups of children with disabilities at their homes.

163. Some institutions, such as the Military and Police Academy, do not admit women, citing that they are unsuitable in terms of physical and mental characteristics. However, progress has been made in educating Buddhist nuns, most notably when Mahamongkut College opened a campus in 1998 to provide nuns and women interested in religion and philosophy with an undergraduate education.

164. Compared to their male counterparts, the number of female students under the Department of Physical Education remains low (6,872 women to 12,060 men). However, the trend in women's participation in this field is increasing, giving an opportunity for men and women to play the same sports. Given a choice of sports, however, female students avoid sports that are male-dominated (e.g., football/soccer, ta-kraw). Furthermore, female students are increasingly taking part in sports such as self-defense, which they tended to avoid in the past. Presently, the Department of Physical Education has no clear policy on promoting self-defense for young girls so that they can learn to protect themselves.

Sex Education

165. Twenty years ago, the curriculum at all levels included "sex education" aspects through the promotion of life skills at the primary level and health education at the secondary level. The topic was also integrated into subjects such a social studies, science, vocational and occupational training, as well as public health with a focus on health education and physiology. However, the objectives and scope of sex education were not achieved. The Family Planning Association of Thailand, therefore, called for sex education to be an independent subject in the curriculum. Thereafter, the approach to teaching sex education was revised and included in the Ministry of Education's policy in 1982. Rather than using the term "Sex Education," the title of "Family Life Education" was adopted. In 1998, the Department of Curriculum and Instructional Development developed a fundamental curriculum framework for integrating family life education as one of the major subjects on health for students enrolled in Grades 1-12. Specific aspects of this curriculum included physical, mental, social and cultural features, which covered morals, gender roles, sex issues and human rights protection.

166. The above curriculum serves only as an instructional framework on family life education. The Department of Curriculum and Instructional Development has approved this curriculum and it is being implemented throughout the country. Adaptations to it are made based on the age of the students being taught. Presently, pilot schools are using the curriculum, but for those schools or teachers that feel they are not ready to implement it, or not confident to teach it, the Department of Curriculum and Instructional Development provides training to teachers. The details of this training program range from physiology and

sociology, to gender roles and human rights concepts. The aim is for both male and female students studying at primary and secondary levels to have equal access to information and can apply what they have learned in their daily lives.

167. Moreover, the Siam Care Organization and the Office of the Permanent Secretary of the Prime Minister's Office has produced and distributed a "youth moral" handbook, which informs young girls and boys about changes in their bodies when they reach puberty and how to care for their sexual health. Nonetheless, Thai society still views sex education as a private matter, one that should not be openly discussed with teenagers. Consequently, when the handbook was distributed, it was met with negative feedback and claims that it would encourage young people to be interested in sex at too young an age. Hence, Thai social values still limit opportunities for girls and boys to learn about sex.

The Proportion of Teachers

168. At all educational levels, there are more female than male teachers; however, over half of the teachers who are not assigned to classroom duty are men (Table 14). Moreover, the proportion of female teachers under the Department of Vocational Education (39.61%) is significantly lower than that of men (60.9%), particularly in the fields of industry and arts (5.35% and 18.4% women, respectively) (Table 15). Female teachers predominate in domestic science, reflecting the traditional role of women in the household and limiting the potential of women – and men – to fulfill their potential.

Table 14. Number of teachers at various educational levels, 2000

Level	Total	Female	Male	% of Female
Pre-Primary Education	77,902	66,980	10,922	85.98
Primary Education	279,001	164,071	114,930	58.81
Lower Secondary Education	121,547	68,424	53,126	56.29
Upper Secondary Education	57,515	34,462	23,053	59.92
Non-classroom positions (e.g., counselor, administrators and substitute teachers)	18,376	5,625	12,751	30.61
Total	**554,334**	**339,488**	**214,846**	**61.24**

Source: *Office of the Permanent Secretary, Ministry of Education*

Table 15. Number of teachers under the Department of Vocational Education, 2001

Fields	Male	Female	Total	% of Female
Industry	5,613	317	5,930	5.35
Art	572	129	701	18.40
Domestic Science	68	1,156	1,224	94.44
Commerce	525	1,997	2,522	79.18
General	2,944	3,100	6,044	51.29
Agriculture	1,119	413	1,532	26.96
Total	**10,841**	**7,112**	**17,953**	**39.61**

Source: *The Department of Vocational Education, Ministry of Education*

169. The percentage of female academicians working in universities under the supervision of the Ministry of University Affairs is generally higher than for men (Table 16). Most of these women are lecturers and assistant professors. At the level of associate professor, the proportions of men and women are roughly equal, although at the level of full professor, the number and percentage of women is much lower. Among 24 top level university administrators, there were only three women in 2000, and this number declined to one person in 2002.

Table 16. Number of academicians in universities under the Ministry of University Affairs, 2001

Position	Female	% of Female	Male
Lecturers	6,337	52.94	5,633
Assistant Professors	2,988	54.02	2,543
Associated Professors	2,201	51.81	2,047
Professors	98	31.92	209
Total	**11,624**	**52.70**	**10,432**

Source: *The Ministry of University Affairs*

170. In summary, Thai girls and boys have equal access to education. No rules nor regulations exist that prohibit women or men of any age from studying in any area, except in military and police academies (however, female students enrolled at the upper secondary

level can choose defense training along with male students). Female students often realize that they have expanded educational opportunities. In practice, however, deeply-rooted social attitudes regarding the sexual division of labor restrict their choices of study to those most suited to the traditional roles of women (e.g., social science, nursing), and excluding vocational education. Although the discrimination of women in education is not as serious as it has been in the past, it has not been eliminated. Key social institutions (family, education, employment) accept and foster traditional gender roles in domestic and public spheres. The family is the social institution that is closest to and has the most influence over children. In selecting programs or fields of study, the first advice/guidance children are given usually comes from the family, which tends to favor girls taking on more traditional, stereotyped gender roles and occupations. Moreover, most school counselors still do not have a gender-sensitive perspective, and employers still discriminate against women in some areas of employment such as civil engineering and forestry. The elimination of discrimination in education thus requires more time for raising awareness and understanding in Thai society about the advantages of supporting women and men to enter a broad range of studies and occupations.

Article 11: Employment

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an alienable right of all human being;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the equality of work;

(e) The right to social security, particularly in case of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safely in working conditions, including the safeguarding of the function of the reproduction.

In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of the maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

171. Population and Housing Census data as of 1 April 2000 indicate that the Thai population contained 60.6 million persons (29.8 million men; 30.8 million women), with 97 men for every 100 women. Consequently, there were more women than men in every region of the country at that time.

172. Considering the population in 2000 by age group, persons aged 0-14 years represented 24.1% of the population (14.6 million), those of working age (15-59 years) represent 65.5% (40.3 million), while the elderly (60 years and older) comprise 9.4%. (5.7 million). More males than females were found in the youngest age group (0-14), though the reverse was true for the elderly. The proportions of males and females of working age were roughly equivalent (66.1% and 66.8%, respectively). Although the numbers of women and men in the labor force (aged 13 years and over) was quite similar in 2000, more women were classified as being out of the labor force than men. Most of these women were housewives and considered to be economically inactive (based on gender statistics from the National Statistical Office for 1999).

173. The Population and Housing Census for 2000 reported that 34.1 million persons (17.6 million men or 51.6%; 16.5 million women or 48.4%) aged 15 years and older were employed during the one year period of 1 April 1999-31 March 2002. The proportion of women in the labor force was 48% of the total (47% in 1990), and accounted for 54% of all women in the population (52% in 1990). Men in the labor force accounted for 59% of the total male population (60% in 1990). Such figures indicate that women are an important part of Thailand's labor force and will be even more so in the future. Among the employed labor force, 55.17% were in the agricultural sector and 44.83% were employed in other non-agricultural sectors, most notably, wholesale (11.6%) and production (8.99%) (Table 17). The proportion of men employed outside of the agricultural sector was slightly higher than for women. Women predominated in commerce, service and professional sectors, while men tended to be employed more often in transportation, administration and management, as well as crafts or production.

Table 17. Number and percentage of employed persons aged 15 years and over by industry and sex (millions)

Industry Category	Total		Male		Female	
	No.	%	No.	%	No.	%
Total	**34.12**	**100.0**	**17.63**	**51.66**	**16.49**	**48.34**
Agriculture, hunting and forestry	48.39	53.91	9.29	50.52	9.10	49.48
Fishery	0.43	1.26	0.31	72.19	0.12	27.81
Mining	0.04	0.13	0.03	70.63	0.01	29.37
Production	3.07	8.99	1.42	46.38	1.65	53.62
Electricity, gas and water supply	0.11	0.31	0.09	85.08	0.02	14.92
Construction	1.03	3.02	0.82	79.27	0.21	20.73
Whole-sale, retail, auto repair, motorcycle	3.96	11.60	1.83	46.27	2.13	53.73
Hotel and restaurant	0.81	2.36	0.31	38.89	0.49	61.11
Transportation, store	0.85	2.50	0.73	86.02	0.12	13.98
Financial Brokerage	0.26	0.76	0.13	50.75	0.13	49.25
Real estate, renting, business activities	0.32	0.94	0.18	56.64	0.14	43.36
Government administration, defense and compulsory social insurance	1.15	3.36	0.83	72.64	0.31	27.36
Education	1.10	3.23	0.48	43.31	0.63	56.69
Health and social welfare	0.43	1.26	0.13	31.02	0.30	68.98
Community, social and personal service	1.12	3.29	0.55	49.20	0.57	50.80
Domestic worker	0.23	0.67	0.04	17.31	0.19	82.69
International organizations	0.002	0.006	0.001	36.842	0.001	63.158
Not available	0.81	2.39	0.43	53.14	0.38	46.86

Source: *Population and Housing Census 2000 Advanced Report, The National Statistical Office*

174. The Labor Force Survey for the entire Kingdom, third quarter, July-September 2001 reveals that the total number of employed Thai workers was 33.48 million persons, of which 18.47 million (55.16%) were men and 15.01million (44.84%) were women. Classified by age group, female workers aged 15-24, 25-49 and 50 years and over represented 7.40%, 29.36% and 8.08% of the total employed population (Table 18).

Table 18. Number of employed workers by age group and sex (in thousands)

Age group	Employed Women workers/total employed workers	Total		Male		Female	
		No.	%	No.	%	No.	%
Total	**44.84**	**33,484.0**	**100.00**	**18,471.2**	**55.16**	**15,012.8**	**44.84**
15-19	2.19	1,776.7	5.31	1,044.9	58.81	731.8	41.19
20-24	5.21	3,905.7	11.66	2,161.8	55.35	1,743.9	44.65
25-29	6.55	4,872.9	14.55	2,678.1	54.96	2,194.8	45.04
30-34	6.44	4,725.2	14.11	2,570.2	54.39	2,155.0	45.61
35-39	6.10	4,413.2	13.18	2,370.0	53.70	2,043.2	46.30
40-49	10.27	7,433.3	22.20	3,995.0	53.74	3,438.3	46.26
50-59	5.67	4,298.1	12.84	2,399.4	55.82	1,898.7	44.18
>=60	2.41	2,058.9	6.15	1,251.8	60.80	807.1	39.20

Source: *Report of The Labour Force Survey, whole Kingdom, third quarter: July-September 2001, National Statistical Office*

175. Considerable gender differences exist in terms of work status, type of work and compensation. In general, women's working conditions are lower than those of men, even though some well-educated women have become very successful. Currently, nearly half of employed women are unpaid family workers.

176. Data from the Population and Housing Census 2000 show that among unpaid family workers, 71.20% were women, whereas 29.86% of employers were women (Table 19). Women also represented 31.55% of business owners and 42.84% of those employed in the government sector. Among male labor force members, 7.59 million worked for their own businesses, representing 68.45% of all persons owning private businesses with no employees. Men also represented 53.99% of private sector employees.

Table 19. Number of employed persons over 15 years of age in a 1-year period by sex (in millions)

Working Condition	Total		Male		Female	
	No.	%	No.	%	No.	%
Total	**34.12**	**100.00**	**17.63**	**51.66**	**16.49**	**48.34**
Employer	0.54	1.60	0.38	70.14	0.16	29.86
Private business without employees	11.09	32.51	7.59	68.45	3.50	31.55
Employee	11.68	34.24	6.46	55.34	5.22	44.66
Government service	2.08	6.09	1.19	57.16	0.89	42.84
Government	0.72	2.10	0.42	58.43	0.30	41.57
Sate enterprise	0.38	1.11	0.26	69.75	0.11	30.25
Private sector	8.51	24.94	4.59	53.99	3.92	46.01
Unpaid family workers	10.43	30.58	3.00	28.80	7.43	71.20
Group work	0.02	0.05	0.01	41.24	0.01	58.76
Not available	0.35	1.03	0.17	49.97	0.18	50.03

Source: *Population and Housing Census 2000, advanced, Preliminary Report National Statistical Office*

177. Information on wages and salary from the Labour Force survey, third quarter, July-September 2001, indicate that among the 13.5 million wage and salary workers, 44.1% received between 2,501-5,500 baht per month, 20.4% received 5,501-10,000 baht, 19.3% earned 2,500 baht or less, and 15.7% earned 10,000 baht or more (Table 20). Private sector employees received much lower salaries than employees in the government sector, which can partly be explained by the fact that the category of "private sector employees" includes a large number of daily workers and laborers whose wages are quite low.

Table 20. Number of employees by level of wages/salary and sex

Salary/wage levels	Total			Male			Female		
	Total	Gov.	Private	Total	Gov.	Private	Total	Gov.	Private
Total (thousand)	**13,539.4**	**2,851.9**	**10,687.5**	**7,542.9**	**1,656.5**	**5,886.4**	**5,966.4**	**1,195.4**	**4,801.1**
< 2,500	2,618.9	102.5	2,516.4	1,344.2	72.8	1,271.4	1,274.7	29.7	1,245.0
2,500-5,500	5,963.8	612.3	5,351.5	3,261.1	385.8	2,875.3	2,702.7	226.5	2,476.2
5,501-10,000	2,766.7	882.1	1,884.6	1,682.7	507.4	1,175.3	1,084.0	374.7	709.3
> 10,001	2,128.7	1,242.2	886.5	1,218.3	681.8	536.5	910.4	560.4	350.0
Unknown	61.3	12.8	48.5	36.6	8.7	27.9	24.7	4.1	20.6
Total (%)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
< 2,500	19.3	3.6	23.6	17.8	4.4	21.6	21.3	2.5	25.9
2,500-5,500	44.1	21.5	50.1	43.2	23.3	48.9	45.1	19.0	51.6
5,501-10,000	20.4	30.9	17.6	22.3	30.6	20.0	18.1	31.4	14.8
> 10,001	15.7	43.6	8.3	16.2	41.2	9.1	15.2	46.9	7.3
Unknown	0.5	0.5	0.5	0.5	0.5	0.5	0.4	0.4	0.4

Source: *Third quarter, July-September 2001, the National Statistical Office*

178. Differences in wages/salaries between women and men can be seen when the lowest and highest wage categories are analyzed by sex. For the highest group (5,001 to over 10,000 baht per month), there are more men than women, while the proportion of women earning low wages (not over 2,500-5,000 baht per month) is higher than that of men. The latter situation partially reflects past inequalities in education and the fact that women participated in the informal sector more than men, especially in industries using simple technologies. Women's lower proportion in the high earning group also indicates that women have had fewer opportunities than men in getting promotions. Most female office workers have occupied low positions, while men have been more likely than women to be appointed to the executive level as administrators and managers in private and government sectors.

179. The National Statistical Office, in cooperation with the Office of the Civil Service Commission, conducted a survey in 1998 on private sector remuneration with respect to the working conditions of regular workers in enterprises employing more than 100 workers. Results show that at executive administrative levels (sub-division director, section manager, chief worker), there were more men than women, with the latter being found primarily at the operations level. Men also received higher monthly remuneration than women at all levels (Table 21).

Table 21. Average monthly remuneration of permanent workers and percentage of female and male private employees by establishment, position and sex, 1998

Size of enterprise	All positions		Position level							
			Sub-div. director		Division manager		Supervisor		Operator	
	female	male	female	male	female	male	female	male	female	male
Total (baht)	**15,074**	**23,742**	**51,206**	**63,848**	**29,666**	**35,998**	**15,545**	**18,355**	**9,388**	**10,971**
100-299 persons	12,964	19,791	41,396	53,847	24666	30,143	13,335	15,750	8,473	9,112
300-499 persons	15139	22,727	53,851	63,229	28,063	36,174	15,815	18,092	9,368	10,162
500-999 persons	16,266	27,108	59,751	68,678	35,032	41,570	16,720	20,730	9,702	11,485
> 1,000 persons	19,079	32,372	66,176	85,365	37,305	43,812	19,207	23,481	11,502	17,215
Total (%)	**44.4**	**55.6**	**22.8**	**77.2**	**33.3**	**66.7**	**39.0**	**61.0**	**54.4**	**45.6**
100-299 persons	44.1	55.9	23.8	76.2	33.1	66.9	38.1	61.9	53.9	46.1
300-499 persons	43.2	56.8	24.8	75.7	33.2	66.8	37.9	62.1	52.2	47.8
500-999 persons	44.4	55.6	18.4	81.6	32.8	67.2	37.6	62.4	56.2	43.8
> 1,000 persons	46.8	53.2	23.5	76.5	34.7	65.3	44.2	55.8	56.7	43.3

Source: *National Statistical Office, in cooperation with Office of the Civil Service Commission. Private Sector's Remuneration Survey, 1998*

180. Sex disaggregated data in 2000 from the Office of the Civil Service Commission indicate that male civil servants predominantly held positions at levels 8-11, while more women held positions in levels 1-7 (Table 22). However, the proportion of women at levels 9-11 increased from 9.87% in 1992 to 13.84% in 2000 (Table 23).

Table 22. Number and percentage of government officials by level and sex, 2000

Level	Total		Female		Male	
	No.	%	No.	%	No.	%
Total	**388,054**	**100.0**	**228,161**	**58.80**	**159,893**	**41.20**
1	3,361	0.87	2,208	65.69	1,153	41.20
2	22,051	5.68	16,078	72.91	5 973	27.09
3	40,069	10.33	26,546	66.25	13,523	33.75
4	70,010	18.04	44,873	64.10	25,137	35.90
5	97,284	25.07	56,195	57.76	41,089	42.24
6	89,993	23.19	50,331	55.93	39,662	44.07
7	48,131	12.40	25,777	53.56	22,354	46.44
8	14,059	3.62	5,444	38.72	8,615	61.28
9	2,510	0.65	629	25.06	1,881	74.94
10	557	0.14	77	13.82	480	86.18
11	29	0.01	3	10.34	26	89.66

Source: *Gender Statistics 1999, Office of Civil Service Commission*

Table 23. Female and male administrators in 1992-2000 (unit: person)

Year	Levels 9-11			Level 9		Level 10		Level 11		% Female by level			
	Total	F	M	F	M	F	M	F	M	9-11	9	10	11
1992	385	38	347	27	187	11	139	-	21	9.87	12.62	7.33	-
1993	417	44	373	29	200	44	151	1	22	10.55	12.66	8.48	4.35
1994	435	44	391	32	205	11	163	1	23	10.11	13.50	6.32	4.17
1995	441	51	390	40	200	10	167	1	23	11.56	16.67	5.65	4.17
1996	449	57	392	37	206	19	163	1	23	12.69	15.23	10.44	4.17
1997	457	64	393	44	202	20	166	-	25	14.00	17.89	10.75	-
1998	468	63	405	44	203	18	178	1	24	13.46	17.81	9.18	4.00
1999	470	59	411	40	207	17	181	2	23	12.55	16.19	8.59	8.00
2000	477	66	411	45	210	19	178	2	23	13.84	17.65	9.64	8.00

Source: *Administrator means head or deputy head of governmental organizations at the level of Ministry or department*

181. Figures from the Personnel and Training Division, Ministry of Foreign Affairs, show that in the diplomatic field, while there is a small difference between women's and men's positions at levels 3-6 (44.2% women; 55.85% men), at the executive levels of 7-11, the proportion of men is much higher than that of women (22.7% women, 77.3% men) (Table 24).

Table 24. Number and percentage of civil service officers working in the diplomatic field by sex, 1997-1998

Level	1997			1998		
	Total	Female	Male	Total	Female	Male
3-6	535	43.5	56.5	536	44.2	55.8
7-11	365	21.9	78.1	387	22.7	77.3

Source: Gender Statistics 1998, National Statistical Office

182. Apart from wages and salaries, workers receive other benefits in cash and kind. Private sector workers receive more benefits in terms of bonuses, overtime pay, food or meals, amongst others. Government workers tend to receive more benefits in terms of cash, accommodations or rent. Both private and government employees working in municipal areas receive more benefits than those working in non-municipal areas (Table 25).

Table 25. Number of private and government employees receiving benefits, by sex and area of residence

Admin. Areas and sex	No. of employees	No. of employees obtaining additional benefits						
		Bonus	OT	Other Cash	Food	Clothes	Accom-modation	Others
Total	**13,527.9**	**1,786.8**	**1,233.0**	**3,283.0**	**1,540.4**	**1,166.2**	**1,234.9**	**570.6**
Male	7,536.2	955.2	616.6	1,791.4	699.6	596.8	757.0	276.5
Female	5,991.7	831.6	616.4	1,492.0	840.8	569.4	477.9	294.1
Private sector	**10,677.2**	**1,593.5**	**1,038.6**	**2,249.9**	**1,509.4**	**1,040.0**	**841.3**	**507.4**
Male	5,880.7	828.6	506.9	1,147.1	688.7	500.0	480.5	230.4
Female	4,796.5	764.9	531.7	1,102.8	820.7	540.0	360.8	277.0
Gov. sector	2,850.7	193.3	194	1,033.5	31.0	126.2	393.6	63.2
Male	1,655.6	126.6	109.7	644.3	10.9	96.8	276.5	46.1
Female	1,195.2	66.7	84.7	389.2	20.1	29.4	117.1	17.1
Private sector municipal area	**4,723.2**	**1,071.3**	**511.3**	**1,314.7**	**772.6**	**589.4**	**619.3**	**177.7**

Male	2,511.7	561.7	271.6	690.8	331.2	285.5	322.3	94.3
Female	2,211.5	509.6	239.7	623.9	441.4	303.9	297.0	83.4
Private sector non-municipal area	**5,954.0**	**522.2**	**527.3**	**935.2**	**736.8**	**450.6**	**222.0**	**329.7**
Male	3,369.0	266.9	235.3	456.3	357.5	214.5	158.2	136.1
Female	2,585.0	255.3	292.0	478.9	379.3	236.1	63.8	193.6
Gov. sector municipal area	**1,566.0**	**157.5**	**126.4**	**603.2**	**17.8**	**91.2**	**240.6**	**34.4**
Male	857.5	100.7	72.4	365.5	6.4	73.9	178.3	26.1
Female	708.5	56.8	54.0	237.7	11.4	17.3	62.3	8.3
Gov. sector non-municipal area	**1,284.7**	**35.8**	**68.0**	**430.3**	**13.2**	**35.0**	**153.0**	**28.8**
Male	798.0	25.9	37.3	278.8	4.5	22.9	98.2	20.0
Female	486.7	9.9	30.7	151.5	8.7	12.1	54.8	8.8

Source: *Population working condition survey report during the 3rd period July-September 2001, the National Statistical Office*

Note: *1. Number of employees excludes those who could not provide information on their additional benefits*

2. One employee may receive more than one benefit.

183. In terms of additional benefits, no substantial difference exists between men and women. Generally, women receive the same cash and other benefits as men.

184. In Thailand, 69.6% of the labor force work in the informal sector. This sector includes sub-contracting, producing merchandise or providing services to employers or anyone that holds an agreement with the workers who are assigned to perform certain tasks. Sub-contractors have the right to choose their own workplace without an employer's consent; thus, much of this work is done in households. Sub-contractors, however, are recognized as a disadvantaged group in society who lack rights and other means of protection. Although the sub-contracting system plays an important part in the nation's economic growth, it is outside the protection of laws and regulations that are applicable to employees.

Categories and Expansion of Homeworkers

185. Results of a Homework Survey conducted by the National Statistical Office in 2002 show that out of a total labor force of 33,735,300 persons over age 15 in Thailand, 592,235 are homeworkers who can be classified into three categories.

(1) **Contract workers** refer to those who directly obtain work from employers and may do the work themselves or transfer it to others. This is a major category of homeworker, with 473,565 persons or 80% of total homeworkers

(2) **Unpaid home workers** are contract workers' assistants who live in the same household as the contract workers. These workers totaled 115,699 persons or 19.5% of total homeworkers.

(3) **Sub-contractors** are those who obtain work from employers without performing it themselves but transfer it to others. These workers totaled 2,971 persons or 0.5% of homeworkers (see Figure 1).

186. The proportion of homeworkers living in non-municipal areas is much higher than in municipal areas. Non-municipal homeworkers number 420,615 persons or 71.0% of the total homework force, while municipal homeworkers number 171,620 persons or 29.0%. Regionally, Northeast Thailand has the highest number of homeworkers (185,771 persons or 31.4%), followed by the Central region (124,366 or 21.0%), the Northern region (110,882 persons or 18.7%), Bangkok (98,630 persons or 16.6%) and the South (72,586 persons or 12.3%) (Table 26).

Figure 1. Percentage of homeworkers by type

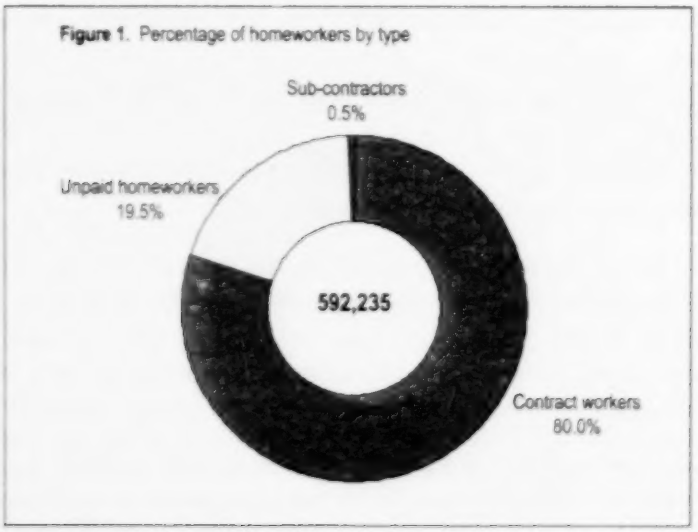


Table 26. Percentage of homeworkers classified by administrative area and region

Homeworkers				
Region and administrative area	**Total**	**Contract workers**	**Unpaid homeworkers**	**Sub-contractors**
Whole Kingdom	**100**	**100**	**100**	**100**
	(592,235)	**(473,565)**	**(115,699)**	**(2,971)**
Municipal	29.0	26.8	37.4	41.1
Non-municipal	71.0	73.2	62.6	58.9
Bangkok	16.6	14.4	25.8	27.7
Central	21.0	20.1	24.6	20.1
North	18.7	20.1	12.9	20.0
North-eastern	31.4	33.0	25.1	24.3
South	12.3	12.4	11.6	7.9

Characteristics of Homeworkers

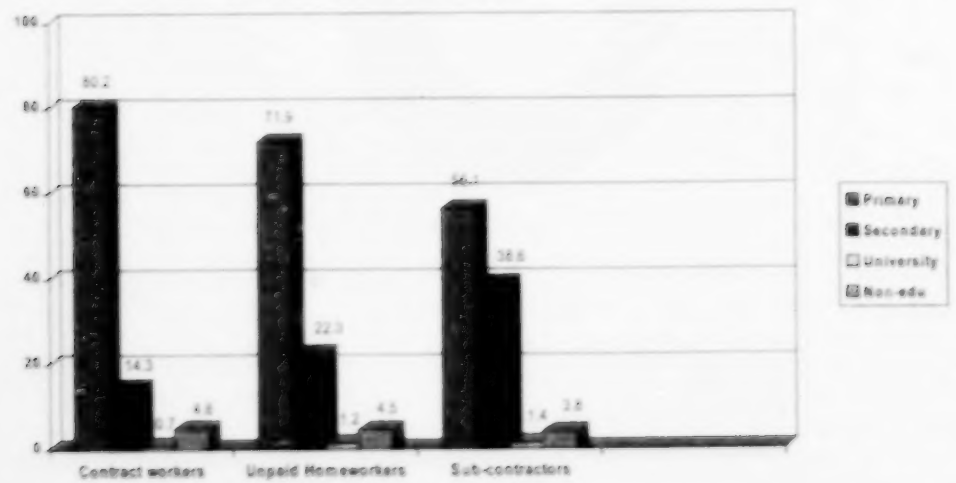
187. Because of the specific nature of homework, where most work is done within or in the vicinity of the house, more women than men are homeworkers (78.1% women; 21.9% men).

188. The ages of homeworkers differ depending upon the category of homeworker. Most homeworkers are between the ages of 25-49, while their assistants may include child laborers (more than the other two categories) and those aged 15-39 years (Table 27). Sub-contractors are adults between the ages of 30-49 years who can handle tasks and make decisions.

Table 27. Percentage of homeworkers over 15 years of age classified by sex, age and type of worker

Characteristic	Homeworkers			
	Total	Contract workers	Unpaid homeworkers	Sub contractors
Number	**592,235**	**473,565**	**115,699**	**2,971**
Sex				
Male	21.9	19.6	30.7	28.1
Female	78.1	80.4	69.3	71.9
Age				
15-19	4.4	2.7	11.2	-
20-24	7.2	5.9	12.6	4.0
25-29	13.9	13.9	13.9	4.6
30-34	17.5	17.7	16.8	17.9
35-39	16.3	17.4	11.9	23.2
40-44	12.9	13.7	9.6	18.2
45-49	10.5	11.1	7.8	18.1
50-54	6.4	6.7	5.1	8.0
55-59	3.9	4.0	3.5	1.8
60+	7.0	6.9	7.6	4.2

Figure 2. Percentage of homeworkers by category and educational level



189. In terms of education, most contract workers and unpaid homeworkers have a primary education (80.2% and 71.9%, respectively), whereas 56.1% and 38.6% of sub-contractors have a primary and secondary education, respectively (Figure 2).

190. Currently, homework is becoming more diverse in agriculture, industry and trade. Most homework, however, still comes from the manufacturing industry with 458,018 homeworkers or 77.3% of the total homework force (Table 28). One of the reasons for this situation is that this sector deals mainly with consumer products where the production line can be divided into several steps and possibly sub-contracted. Clothing and textiles are the products that are sub-contracted most often (43.7% of all homeworkers), while the remaining products consist of wood and paper items, jewelry, tobacco and leather goods, food and beverages, furniture, chemical, rubber and plastic products, etc.

Table 28. Percentage of homeworkers over 15 years of age by industrial category

Industry	**Number**	**Percentage**
Total	**592,235**	**100.0**
Agriculture	11,645	2.0
Wholesale and retail	119,633	20.2
Real estate	1,545	0.3
Manufacturing	458,018	77.3
- food and beverages	20,969	3.5
- tobacco and leather	26,358	4.5
- clothing and textiles	258,998	43.7
- wood and paper	42,643	7.2
- chemical, rubber & plastic	5,613	0.9
- ceramic, rubber & plastic	1,261	0.2
- metal	3,259	0.6
- machine & electrical goods	1,798	0.3
- jewelry	35,363	6.0
- furniture	5,859	1.0
- toys	3,570	0.6
- other products	52,327	8.8
- others*	1,394	0.2

*includes the electrical industry, gas, water supply, construction, hotel and restaurant, transport and transportation, government administration, community and social activities

Income of Homeworkers

191. Homeworker income refers to earnings or compensation from all types of homework. Most homeworkers (70.4%) earn low incomes of less than 30,001 baht per year; 70.5% of contract workers earn less than this annual income, while 29.5% earn over 30,000 baht per year. For sub-contractors, 57.6% earn less than 30,001 baht per year, while 42.4% earn more than this amount. Considering the average income of each homeworker category, the average annual income of sub-contractors is almost double that of contract workers. Sub-contractors earn 61,231 baht on average, while contract workers earn 34,337 baht (Table 29).

Table 29. Percentage of contract workers and subcontrators classified by income

Income (baht)	Total	Contract workers	Sub-contractor
Total	**100.0**	**100.0**	**100.0**
	(476,536)	**(473,565)**	**(2,971)**
Less than 10,000	38.4	38.4	29.6
10,000 – 30,000	32.0	32.1	28.0
30,001 – 50,000	14.4	14.4	13.6
50,001 – 100, 000	8.8	8.8	16.8
100,001 – 300,000	5.4	5.3	5.8
More than 300,001	1.0	1.0	6.2
Average income	**34,504**	**34,337**	**61,231**

192. Thailand established an Office responsible for homework in 1998 under the Department of Welfare and Labor Protection, Ministry of Labor and Social Welfare, to protect all homeworkers. The Office's mandates are to promote and develop homeworkers by establishing protection standards and coordination mechanisms. A coordination center for homeworkers was established to work with concerned government organizations, non-governmental organizations and employers. For the past few years, the Office has provided training on basic knowledge regarding group management. Currently, the Department of Welfare and Labor Protection has drafted ministerial regulations on the protection of homeworkers. The draft is in the process of being considered by the Ministry and will soon be put into effect. Thereafter, legislation will be drafted to further promote, develop and protect homeworkers.

Issues Related to Employment

(a) Rights to Work

193. There is no law that limits women's rights to work. Thai law, moreover, stipulates special protection for female workers as well as giving them certain rights that are different from men – based on differences between the sexes – particularly in terms of their physical strength, women's childbearing responsibilities and occupational safety.

(b) Employment Opportunities

194. Thai law specifies that employers must treat male and female workers equally in terms of employment, except where the nature or conditions of work do not allow. In practice, however, discrimination in employment persists, largely because of the high number of unemployed persons in the labor market, which is forcing employers to set specific qualifications. Social attitudes are also crucial factors that determine which jobs are appropriate for women.

(c) Rights Entitled from Work

195. The relevant rights are as follows:

(1) Work duration should not be more than 8 hours per day or not more than 48 hours per week.

(2) Employees are prohibited from working overtime on workdays or during holidays, except if they consent to do so and that the combined working hours are not more than that defined in the Ministry's regulations;

(3) Employees are entitled to at least one day off in a week;

(4) Employees are entitled to traditional holidays of not less than 30 days a year;

(5) Employees are entitled to annual leave of not less than 6 days in cases where they have been employed for one full year;

(6) Employees are entitled to take sick leave not including days which they cannot work as a result of work-related injuries/sickness or maternity leave;

(7) Employees are entitled to take leave to undergo sterilization;

(8) Employees are entitled to take leave for military service; and

(9) Employees are entitled to take leave for training or develop their knowledge.

(d) Choices, Working Conditions and Training

196. **Choices**. In cases where employers require that female employees work from 24.00 hrs to 06.00 hrs, and a labor inspector deems that this work is hazardous to the women's health and safety, then the inspector can report to the Director-General, or his designate, to

consider and order employers to change or reduce the women's working hours as appropriate. Employers must comply with this order. If they violate this order, they face up to six months imprisonment, a fine of not over 10,000 baht, or both (Articles 40 and 144).

197. **Working Conditions**. The Labor Protection Act of 1998 specifies those types of work that employers cannot require women to undertake, for instance, mining or underground construction, as well as that being undertaken underwater, in tunnels, caves or mountains (except in cases that do not endanger an employee's health), scaffold work higher than 10 meters above ground, production or transportation of flammable explosive materials, or any other type of work defined by ministerial regulations. If an employer violates this provision, he/she will face up to six months imprisonment, a fine of not more than 10,000 baht, or both.

198. **Training**. According to the Labor Protection Act of 1998, an employee has the right to take leave for training to develop their knowledge and abilities regarding labor and social protection issues, as well as to take a day off in order to take an exam at a government educational institution. Employees must inform their employers of their intent not less than seven days in advance. Violators will be subject to a fine of up to 10,000 baht.

(e) Occupational Safety

199. In terms of occupational safety, Thai law defines the duties and responsibilities of government officers to ensure that employers operate their businesses according to safety measures, as well as providing working conditions and an environment that are appropriate for employees. The law correspondingly specifies that employers/entrepreneurs and employees must cooperate in ensuring occupational safety.

200. The Labor Protection Act of 1998 defined the working conditions for female workers as noted in paragraph 196 above. It also prohibited some types of work that are unsuitable for pregnant women; for example, work involving machinery, vibrations, moving vehicles, carrying or dragging articles weighing over 15 kilograms, work on ships and other types of work as defined in the ministerial regulations.

201. Violations of the law still exist, however, due to inefficient law enforcement. Consequently, priority is being given to improving law enforcement, including awareness raising for both employers and employees in realizing the importance of a safe workplace.

(f) Sexual Harassment in the Workplace

202. The Labour Protection Act of 1998 was revised to clearly prohibit employers who are chiefs, controllers or inspectors from sexually harassing female or child workers. To protect these persons, the penalty for the offender is a fine of not over 20,000 baht. In practice, the law cannot be fully enforced because persons who commit harassment often use their authority to threaten their victims to keep them silent until they find another job.

(g) Equal Remuneration

203. The Labour Protection Act of 1998 stipulates that employers must treat female and male employees equally. The penalty is a fine of not over 20,000 baht (Articles 15 and 146). For the same type and quality of work, employers must pay female and male employees equally in terms of wages, overtime, holiday and weekend benefits. In cases of violation, the fine is up to 20,000 baht (Articles 53 and 146).

204. Both female and male workers are protected by the Ministry of Labour and Social Welfare's announcement that sets the basic daily minimum wage at 133 baht (165 baht a day within Bangkok and surrounding areas as of 1 January 2002). However, in practice a large number of female and male workers still receive wages lower than the minimum wage because of limited enforcement. Employers often avoid the law by using a sub-contracting system. Consequently, fuller inspections of industries are required along with increases in the penalties for employers who violate the law.

(h) Social Insurance

205. The Social Insurance Act of 1990 came into effect on 2 September 1990. It specifies the types of benefit compensation for guarantors as being in cases of sickness, birth, disability, death, child allowances, old age, and unemployment. An insurer is an employee who is at least 15 years of age and not over 60 years. Initially, enforcement was undertaken among businesses with at least 20 employees. It was amended in 1993 to include businesses with at least 10 employees, and has since (as of April 2002) been enforced for businesses with at least one employee. Employers and employees must contribute a monthly amount to the insurance fund at 3% of wages (1 January 2001-31 December 2002), and the government will make further contributions.

206. An expansion in coverage has increased the number of insurers from 5.86 million (December 2001) to 9.44 million, and the number of establishments from 110,814 to around 1.35 million, covering 30% of the labor force (from the previous 18%). This expanded coverage includes not only the insurer's health, but also other benefits, for example, disability, death (both work-related and non work-related), child delivery, child allowance and old age. In terms of expanding insurance coverage to the unemployed, the Social Insurance Commission has approved a model, conditions, criteria as well as an implementation modality. It has also established an information system by setting up a data communication network to coordinate with all concerned organizations. Sickness benefits have also been expanded to cover more types of diseases, as well as expanding the duration of a hospital stay from 180 days in one year to over 180 days in one year.

207. Social Insurance in Thailand protects workers in the formal sector, while workers in the agricultural sector, those in the informal sector and homeworkers, which comprise the majority of the Thai labor force, are still not protected. Although the law allows informal sector workers to voluntarily insure themselves by paying double the contribution, while the government contributes an additional portion, their low and uncertain incomes make them reluctant to participate in the system.

208. However, the Ministry of Labour and Social Welfare has made an effort to include homeworkers in the social insurance system by enacting a law to give fair protection from any situation that poses an obstacle to their living and working conditions. The law is currently being drafted.

Pregnancy and Work

209. That law protects women during pregnancy in terms of the following stipulations.

(1) Pregnant employees, who have a medical certificate stating that they can no longer continue their normal duties, may ask for a temporary transfer (before or after giving birth). Their employer must then find a more suitable position for them. If an employer refuses to comply, he/she will face imprisonment of up to six months, a fine of up to 100,000 baht, or both (Articles 42 and 144).

(2) An employer cannot dismiss (fire) employees because of pregnancy. If this is done, the employer faces up to six months imprisonment, a fine of up to 100,000 baht, or both (Articles 43 and 144).

(3) Pregnant women have the right to maternity leave – before or after giving birth – of not more than 90 days per pregnancy. This period includes weekends during maternity leave (Article 41). The employee is entitled to 45 days of paid maternity leave.

(4) Pregnant women are prohibited from working between 22.00 hrs and 06.00 hrs, working overtime or during the weekends, working with any vibrating machine/engine, working on board a ship, or other types of jobs defined in the ministerial regulations. Employers who violate these regulations face up to six months imprisonment, a fine of up to 100,000 baht, or both (Articles 39 and 144). For pregnant employees who are executive administrators or academicians, or are in clerical, financial or accounting positions, they may work overtime, if they freely consent to do so and inform their employers of their decision. If an employer forces such persons to work overtime without their consent, the employer faces a penalty based on the severity of the offence. (The penalty defined in the Labor Protection Act of 1998 has been increased to imprisonment of up to six months or a fine of 2,000 baht.)

Article 12: Health

States Parties shall take all appropriate measures to eliminate discrimination against women in the fields of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate service in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Health Care/Health Promotion

210. The government is determined to establish health and protective services for all Thai people through reforming the health system to reduce overall national expenditures on public health, lowering health care treatment expenses, as well as providing insurance and opportunities for equal access to standard medical and public health services for all. Health system reform is under the National Health Act, which serves as a framework for improving the health of the Thai people, and is currently in its second draft. In addition, the government also proclaimed 2002 as the health promotion year.

211. The "Health Insurance for All" policy – also known as the 30 baht for all diseases program – guarantees that every Thai person has the right to access medical services as well as those for health promotion and disease control and prevention. Under this program, a low fee of 30 baht is levied for each health service visit. Those exempt from paying this fee include persons over age 60 or children under age 12, persons with disabilities, monks and other religious leaders, community leaders, war veterans, and anyone earning less than 3,000 baht per month. This program covers treatment, general health check-ups, pregnancy, child delivery, family planning and sterilization, dental care, basic vaccinations, wound cleaning and dressing, as well as accommodations and food for regular patients.

212. Currently, Thailand has about 15,000 licensed male physicians and 5,000 female physicians. Women still dominate the field of nursing and allied areas. The high number of male physicians can be a problem for some women who are reluctant to receive treatment from male physicians and do not have access to female physicians, particularly those who provided care in terms of sexually transmitted diseases, cervical cancer or breast cancer.

Additional Issues

HIV/AIDS

213. Although Thailand is well-recognized for controlling its transmission, AIDS remains a major public health problem. Data from the Epidemiology Division, Ministry of Public Health, indicate that from 1974 to 3 April 2002, the number of patients and disease infected persons who came to government and private health centers was 266,554, with 61,204 deaths. HIV/AIDS cases numbered 194,446 persons, and 53,667 deaths.

214. Out of the total number of HIV/AIDS cases, 145,791 were men and 48,655 were women (3:1 ratio), most of whom were between the working ages of 20-39 years. Moreover, the number of cases among women is increasing. The most common risk factor is heterosexual intercourse, followed by injecting drug use. It is also believed that husbands -- due to lack of awareness -- are infecting a large number of their wives and unborn children.

215. The campaign on "Think Sex, Think Condom" has been quite successful. The government will continue to support it, focusing on adolescents aged 15-25, Thai and foreign laborers, sex workers, drug addicts, fishermen and the socially underprivileged. Moreover,

the government has undertaken other campaigns to raise awareness of AIDS and safe sex practices in order to change behaviors and prevent the spread of the disease.

216. Data from the Epidemiology Division, Ministry of Public Health, also reveals a rising trend in HIV infection among pregnant women, from 0.63 in 1992 to 1.66 in 2000. Although much research is being conducted, a cure for AIDS has not been found. In the meantime, Thailand is trying to improve the efficiency of its HIV control program. Presently, the Department of Health, Ministry of Health, is implementing a project to prevention mother-to-child transmission by providing HIV screening for pregnant women along with pre- and post-test counseling. For pregnant women who test positive for HIV, they receive AZT free of charge. Infants are also given AZT and fed with powdered milk by their mothers. Such measures have helped to reduce the spread of HIV from mother to child, from 18.6% in 1996 to 10% in 2000. Thailand has also cooperated with international organizations to search for and produce vaccines suitable for the country.

Abortion

217. Although abortion is illegal, Thai law allows for it if it can be proven that the pregnancy will endanger the mother's health or in cases of rape. Presently, Thailand is in the process of revising the law to make abortion safer. One major reason for this is that abortions conducted in rural and remote areas are oftentimes unsafe due to lack of knowledge about the condition of the fetus or the mother's health, or when there is no time to reach a doctor for a safe abortion.

218. Illegal abortions often result from unplanned pregnancies. The exact number of abortions is unknown and can only be estimated. A survey conducted by the Family Planning and Population Division, Ministry of Public Health, for instance, revealed that there were 19.54 abortions for every 1,000 live births. Among women who came for abortions, 46.8% were under age 25, and 30% were under age 20. The average length of gestation was 13 weeks. The majority of women (60.2%) cited economic and social reasons for their wanting an abortion, most notably, poverty, family planning measure, incorrect birth spacing, still in school, family problems, contraceptive method failure. Medical reasons were cited by 39.8% of the women, such as fetal abnormality (15.4%), fetal death (13.5%) maternal health problems (7.8%), maternal HIV infection (2.2%), rape (0.6%) and contraction of German measles (0.3%). The most serious consequences of abortion were blood infections (12.4%), inflamed pelvic region (12.0%), abnormal bleeding (11.8%) and prolapsed uterus (7.4%). The survey also found that death from abortion was 11 times higher than that due to miscarriage.

219. In 1999, the Office of Family Planning and Population, Ministry of Public Health, conducted an interview survey for six months among 134 hospitals (out of 787 in total) that have the highest number of abortion patients. Results showed that from a sample of 4,588 patients, 40.4% underwent abortions. Of these persons, 65.7% underwent abortions at other locations (mainly performed by untrained abortionists) before coming to the hospitals; 22.4% underwent abortions in hospitals with the aid of doctors; and 11.9% underwent self-induced

abortions. Five women who underwent non-hospital abortions died, while there were no reported cases of death for women who aborted in hospitals.

Occupational Health and Safety

220. One critical concern is the occupational health and safety of women working in industry and agriculture. These women face many health risks due to dangerous working conditions and often find it difficult to ask for compensation from their employers, since the women must provide proof that their poor health is work-related.

221. Statistics on work injuries – obtained from the Workmen's Compensation Fund, Social Security Office, Ministry of Labor and Social Welfare – show that work-related injuries are rising. The number of injured employees almost tripled from 62,766 to 171,997 cases between 1989 to 1999, a rate of increase much higher than that of industrialized countries. However, in 1999 specifically, out of 5,31,872 injured workers, the proportion with work-related injuries declined slightly to 3.23% compared to 3.62% in 1998. The number of workers who died from work-related injuries from 1993-1999 was 6,132, though declines can be seen for 1998 and 1999. The causes of death were mainly from automobile accidents, falls, electrocution, and being hit by falling objects.

222. Concerning occupational diseases, a report by the Ministry of Public Health has noted that during 1989-1999, the rate of these diseases declined from 9.46% to 7.5%. In 1999, there were 4,619 cases, due mainly to exposure to toxic chemicals (90.25%), oil and petroleum products (3.27%), gas and inhaled toxicants (2.49%), pneumoconiosis (1.85%), lead poisoning (0.97%), heavy metal poisoning (0.82%) and Caisson's disease (0.25%). However, a large number of workers still face considerable health risks, but their symptoms have not appeared and since some diseases may take a long to manifest themselves, their early diagnosis is difficult.

Mental Health

223. A rise in mental health problems is mainly due to rapid economic and social changes, particularly since the 1997 economic crisis. Data from the Mental Health Department, Ministry of Public Health, reveal that the number of patients in government psychiatric hospitals has increased from 290,034 in 1999, to 297,910 in 2000, and 362,910 in 2001. Both men and women were affected equally. Most female patients were diagnosed as suffering from stress and depression, with a tendency towards suicide.

224. Thailand's suicide rate is moderate compared to other countries. In 1998, there were 7,124 suicides amongst the Thai people, or 11.7 per 100,000 persons, or one-fortieth of all deaths. The rate among men is 2.8 times higher than among women. Most persons who committed suicide were in the working age group, and the rate of suicide is rising. However, the Department of Mental Health, Ministry of Public Health, has implemented a project to prevent depression and suicide by increasing people's awareness of these problems and their causes. Moreover, a project on "Creating Happiness through a Smile" aims to develop mental health.

Use of Family Planning Services

225. Data from the Department of Health, Ministry of Public Health, indicate that from 1988-2000, rates of anemia among primary school children, protein-energy malnutrition among children 0-5 years, and iodine deficiency all declined. In particular, the rate of iodine deficiency has dropped from 19.3% in 1989 to only 2.2% in 1999.

226. The Ministry of Public Health has supported population and family planning policies and programs which have led to a rapid decline in the rate of population growth. Surveys show that contraceptive use continues to increase. In 2000, the contraceptive prevalence rate reached 79.2%, compared to 75.1% in 1995. Several methods of contraception are used, most notably, birth control pills (26.8%), female sterilization (22.6%), injections (22.0%), condom (1.7%) and male sterilization (1.2%). However, women still bear the responsibility for family planning, as exemplified by the low rates of condom use and male sterilization compared to female methods of contraception. Side effects from contraceptives also fall predominantly on women. While the government has tried to promote male contraception by providing vasectomies free of charge at government hospitals, this strategy has not been successful. Since women are the ones who bear primary responsibility for contraception, they face greater difficulties and expense, as well as risks to their health from side effects.

Alternative Medicine

227. The Thai people maintain their health through self-care practices as well as visits to hospitals. Consequently, the latter have become overcrowded and do not have sufficient personnel. Those persons who cannot access hospitals, or are not satisfied with them, are turning to traditional medicine as an alternative. Currently, Thailand has approximately 10,000 traditional doctors, some of whom provide services at the more than 500 health centers located throughout the country. On average, most villages have two traditional (indigenous) doctors. Increasing numbers of people are turning to traditional doctors because modern medicine is not fulfilling their health needs. However, constraints still exist since modern medicine and its health centers do not adequately promote and support Thai traditional medicine. Moreover, there is a lack of systematic research into traditional medicines and medical practices, which has resulted in a lack of continuity in developing knowledge and service standards.

Article 13: Economic and Social Life

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Family Benefits

228. Regarding social insurance, as noted above (Article 12, paragraph 210) the government has initiated the "Health Insurance for All" policy, also known as the 30 baht for all diseases program by subsidizing participating hospitals. The 30 baht fee is waived entirely for persons over age 60 or children under age 12, persons with disabilities, monks and other religious leaders, community leaders, war veterans, and anyone earning less than 3,000 baht per month.

229. The average age of the Thai population, as well as the number and proportion of elderly persons, have been rising continuously. In 1995, the elderly population numbered 4.8 million, or 8.11% of the total population. By 2000, this number had risen to 5.7 million (9.19% of the population). By 2005, it is estimated that the number of Thailand's elderly persons will rise to 6.6 million (10.2%), and by 2010 to 7.6 million persons or 11.4% of the population. Such data also indicate that the number and proportion of elderly women is higher than that of men (1.2:1.9) due to women's higher life expectancy.

Credit

230. The current government has launched two community credit programs.

(1) **Village and Urban Community Fund**. The Thai government established this Fund according to the self-sufficient economic philosophy, which stresses the self-reliance of local communities and their empowerment. The government has allocated 1 million baht to each community as a source of investment to create jobs, to increase income, and to promote small-scale household enterprises. Women participate in the village fund committee and play a crucial role in decisions regarding the allocation of funds.

(2) **The People's Bank**. This program grants personal credit through the Government Savings Bank in order to generate income through loans of 10,000-20,000 baht. The program provides such services equally to women and men.

Recreation and Culture

231. Thailand has 267,818 monks and novices, as well as 5,000 nuns who are affiliated with the Nun Institute of Thailand, based on a survey conducted by the Religious Affairs Department, Ministry of Education, in January 2002.

232. Thailand has established a "Nuns College" to provide nuns with an education, for which they would have needed to travel to India in the past. Currently, it is one of the colleges under Maha Mongkut University, and will need to undergo a long process before it can become a separate entity.

233. Thailand has one female Buddhist monk, who was ordained in early 2001 in Sri Lanka at a ceremony in which both male and female monks are required to participate. This type of ceremony could not be conducted in Thailand, since Thailand (at that time) had no female monk, and her participation is necessary for the ceremony to be undertaken.

234. A Draft Nun's Act has been submitted to the Cabinet, but has not yet been endorsed. The national Buddhist Monks Committee (Sangha) still considers nuns as only churchwomen and not monks. Consequently, nuns do not have rights nor receive the same benefits as members of this committee.

235. In Thailand, the Islamic religion does not pose any obstacles to the social and political participation of women, as can be seen from the increasing number of Muslim women being elected to political offices at local and national levels.

Article 14: Women in Rural Areas

236. Article 19 of the Committee on the Elimination of Discrimination against Women reads as follows:

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of the families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the rights:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment and self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

General Situation

237. Population Census data in 2000 show that 80.8% of the Thai people lived in rural areas and 56.7% of the labor force was in agriculture. Agriculture's portion of the Gross National Product increased from 10.7% in 1997 to 11.6% in 1998. Over half of the country's women live in rural areas.

238. The 1997 Asian economic crisis affected not only Thailand as a whole, but also its female industrial workers who were laid off in large numbers. Rural-to-urban labor migration declined considerably, while there was an increase in the flow of return migrants from urban areas back to the rural agricultural sector.

239. Unpaid family workers in the agricultural sector (most of whom are women) play important roles in rural production. Data on their activities will be collected according to recommendation 16 of the CEDAW committee. These women will be officially designated as being economically active, even though their communities may not fully recognize this fact. However, the survey does not yet include women's domestic/household work. A time allocation survey on household duties has not been undertaken, but could provide useful information on the significance of such unpaid work.

(a) Health Care

240. Thailand has improved considerably its public health care, education and transportation systems in rural areas, along with family planning services. Data from 1999 show that the proportion of the population per hospital bed in Bangkok compared to rural areas to be 199:1 and 523:1, respectively. In terms of the proportion of the population per doctor, it was 760:1 for Bangkok and 5,224:1 for other provinces. For dentists, the ratio was 2,991 persons per dentist in Bangkok, and 26,187 persons per dentist for other provinces. The government has set public health improvement as a priority for rural and remote areas, and has allocated a budget for increasing the public health services provided by medical centers in rural areas. The initial stage focuses on developing a communications system linking remote areas with district hospitals so they can obtain advice quickly.

241. In addition, the government has launched the "Health Insurance for All" policy, also known as the 30 baht for all diseases program, which aims to provide needed quality of care for people with limited means. The government contributes to this program through a subsidy of 1,202 baht per year per person for hospitals. Those persons exempt from the fee are persons over age 60 or children under age 12, persons with disabilities, monks and other religious leaders, community leaders, war veterans, and anyone earning less than 3,000 baht per month.

(b) Education and Training

242. Rural-urban differences in education have declined continuously as the number of secondary schools and higher educational institutes have increased. The National Education Act, which came into effect in 2002, stipulates that the government must provide 12 years of

basic education to everyone free of charge. However, some concerns remain, one of the most important of which is that many teachers do not want to work in rural and remote areas where lack of teaching materials is a persistent problem. Educational reforms and increasing the availability of non-formal education will be critical in enabling women and men living in rural areas to have access to education and training.

(c) Self-help Groups and Cooperatives

243. The government is paying particular attention to women's development in rural areas through the promotion of a self-sufficient economy, encouraging self-reliance within local communities and empowering village members. The Village and Urban Community Fund is one such mechanism through which community members and small scale entrepreneurs can gain access to needed capital to support supplementary occupations and increase income.

244. The government is also promoting the "One Sub-district, One Product Project" as another community development strategy. It focuses on creating jobs as well as sustainable and stable incomes, so that community members can ultimately become self-reliant and economic recovery at the grass-roots level can be achieved. The Thai government has given priority to this project in order to link with and facilitate the policy on debt relief for farmers even to the extent of providing Internet services to sub-districts.

245. The government is also undertaking a three-year debt relief project for small farmers that aims to urgently solve farmers' indebtedness by establishing a complete cycle of recovery and providing assistance to restructure production.

246. As noted above, the "People's Bank" expands opportunities for low income persons by increasing their access to financial resources and reducing their dependency on informal funding sources. The Bank's loans are intended to help create jobs and raise incomes. The government has also recognized the need of those who want to invest in micro-enterprises but lack sufficient capital or assets that can be used as collateral for regular bank loans. The People's Bank, which operates through the Government Savings Bank, provides these people with initial capital without requiring collateral, relying instead on personal guarantees based on personal capacities.

247. Over 95% of villages and sub-districts have local women's groups, as do 93% of districts and 89% of provinces, all of which are under the responsibility of the Department of Community Development. Although some women's groups are highly efficient in promoting women's occupational development and protecting their rights, others are not as capable. Success depends on leadership and how well the women's groups are accepted by communities and their leaders.

248. Cooperatives – particularly those related to agriculture, fisheries, land allocation and savings – are extremely important for rural people. A study in 1991 demonstrated that the proportion of women as general members and committee members was much lower than that of men especially in terms of productive activities. For example, among 1,797 agricultural cooperatives, women comprised only 22% of the membership, while only 3% held administrative positions.

249. However, women play a greater role in savings cooperatives (of which there were 878 registered cooperatives in 1993), where women constitute 38% of the members and 15% of administrative positions. Not surprisingly, women represent a large group of members among the 345 existing consumer cooperatives, comprising 20% of administrative posts. One existing regulation that can obstruct women's participation in the cooperative is the condition that "only one family member can be elected to a position in the cooperative." Social expectations make it such that this person should be the male head of the household.

250. Non-governmental organizations working on rural development play an important role in supporting and developing cooperatives. However, they generally do not consider gender issues and thus pay little attention to persistent social differences between men and women. Consequently, the ONCWA has worked with national level NGOs to try and increase their awareness of the importance of gender in development, however much still remains to be done.

251. Living conditions, particularly in terms of sanitation, electricity and water supplies, have improved greatly and are available throughout the country except in some very remote locations. Housing, communications and transportation systems, however, require further improvement in rural areas.

Article 15: Equality before the Law

States Parties shall accord to women equality with men before the law.

States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

States Parties agree that all contracts and all other private instruments of any kind with a legal effect, which is directed at restricting the legal capacity of women, shall be deemed null and void.

States Parties shall accord to men and women the same rights with regard to law relating to the movement of persons and the freedom to choose their residence and domicile.

252. Article 30 of the 1997 Constitution guarantees equality between men and women in that "Everyone is equal before the law and shall be equally protected by the law; discrimination against any person due to origin of birth, race, language, sex, age, physical condition, health, personal status, economic or social status, religious belief, education or training, or political opinion is prohibited.

253. Government measures set up to eliminate or encourage a person to exercise their rights and freedoms the same as others is not recognized as discrimination."

254. The Constitution is the nation's supreme law that prescribes the major principles that Thailand must implement. It must also amend any law whose principles contradict the Constitution, as well as monitor the effective enforcement of existing laws. These initiatives

are meant to guarantee equality between women and men under the Constitution. Presently, no specific law on gender equality exists. However, Thailand is in the process of amending various laws related to gender inequality, for instance, the Family Name Act of 1962 which obliges women to use their husband's surname.

255. In making legal transactions, the Civil and Commercial Code stipulates equal rights between women and men, with no Article limiting women's rights in such matters. Consequently, Thai women have the legal right and ability to independently sign contracts pertaining to financial matters, loans, real estate, property and other business transactions.

256. Women can engage in activities such as such as buying, selling, renting, and other matters related to property and real estate the same as men. Since business laws do not limit women's rights in such activities, women can set up companies, become partners, and take up administrative positions in all types of business organizations, as managers, managing directors and presidents of companies. In case of common marital property, Article 1476 of the Civil and Commercial Law states that marital property will be managed by the husband and wife through mutual consent. Without such consent, a concerned official can refuse to endorse a contract, rendering it invalid, and either spouse can cancel a contract.

257. Women can participate in every stage of the judicial process without being subject to discriminatory regulations. Women can independently sue or be sued, have the same status as men, can become a witness, and court lawyer. In addition, qualified women can be appointed as an associate judge and take part in deliberations of the Juvenile and Family Court and the Labor Court.

258. In practice, the proportion of women who are public prosecutors and judges is much lower than men, but the trend during the past decade is showing an increase.

259. The number of female police investigators is still not sufficient, even though they are recognized to play a very important role for female victims particularly in sexual offence cases.

260. In considering civil and criminal offenses, men and women receive equal consideration in terms of the use of evidence, witness accounts and the assignment of penalties for offences of the same nature.

261. Regarding access to legal services, women have the same opportunity as men in independently seeking advice from lawyers, appointing lawyers, reporting offences, and other matters. In Thailand, free legal services are available for men and women, most of which are provided by NGOs such as the Lawyer's Council of Thailand. However, women have access to more services due to the wider variety of problems they face that require legal assistance (e.g., legal transactions, contracts, property management including common property matters, divorce, domestic violence against themselves or their children). Consequently, several NGOs provide such assistance including the Women Lawyer's Association of Thailand and the Friends of Women Foundation.

262. Concerning Thai laws specifically designed for women, the Penal Code specifies that any victim, offender or witness who is not over 18 years of age will receive special treatment

in the interrogation process, including the participation of a psychologist and a social worker, as well as the use of videotape. The purpose is to protect children under 18 years from the emotional impact of facing their accused offenders, particularly for cases involving sexual or domestic violence.

263. Obstacles exist in implementing the above measures, however, such as inadequate space, number of public prosecutors, working periods, communication and video equipment and vehicles.

264. In addition, according to Article 247, paragraph 2, of the Penal Code, "any woman receiving the death penalty who is pregnant can have her execution delayed until after the child is born." This measure gives the women the right to delay her execution and ensures the child's right to life.

265. Thai women can freely choose their own residence and can freely migrate to any location. No traditional laws or customs exist that limit their right to do so. Marriage is not a reason to limit a woman's right to choose her residence. A newly married couple may live independently, or with their parents/parents-in-law depending upon their choice. Women do not have to be attached to their father or husband's domiciles. Even if they are married to foreign nationals, women still have the right to live in their former residence.

266. Thai women who live or work abroad will not lose any rights, including the same right as men in bringing their spouse and children to live with them.

Article 16: Laws Related to Marriage and Family

States Parties shall take all appropriate measures to eliminate the discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for valuable consideration.

The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

267. Women's legal status improved greatly due to Article 30 of the 1997 Constitution which states that "men and women have equal rights." On the other hand, little progress has been made in amending the Family Law in order to withdraw Thailand's reservation to Article 16 of CEDAW. The nation's older generation of lawyers and legislators continue to adhere to traditional stereotypes and practices and thus disagree with proposed changes. However, the issues related to the revision are continually being raised and widely discussed.

(1) Betrothal

268. According to the Civil and Commercial Code, betrothal can occur only when both the man and the woman are at least 17 years of age; any violation will result in the betrothal having no legal effect. Children must obtain the consent of their parents or guardians for the betrothal, and only men can initiate betrothal. A man may claim compensation from any man who has sexual intercourse with his betrothed. A woman does not have this right. A man may also claim compensation from any man who has raped or attempted to rape his betrothed.

(2) Marriage

269. The Family Law states the following nine conditions for marriage whereby both men and women enjoy the same rights to enter marriage.

(1) Both the man and woman are at least 17 years of age. If a man mistakenly has sexual relations with a girl over age 13 but under age 15, with the consent of the girl or her parents, Criminal Law allows the Court to permit the couple to marry without the man being prosecuted.

(2) Both parties are of sound mind and competent.

(3) Both parties are not blood relations.

(4) No adoption has occurred between the parties (i.e., an adoptive parent cannot marry his/her adopted child).

(5) Both parties are not legally married to other persons.

(6) A widow/divorcee must wait 310 days after terminating their marriage before remarrying, except if a birth has occurred during that period, if the original couple is

remarrying, if a medical certificate certifies that the woman is not pregnant, or if the court has given permission for marriage.

(7) A minor must receive the consent of both parents or guardians.

(8) Both parties must agree to marry, are free to choose their spouse and enter into marriage.

(9) Must register their marriage in a government registry office.

270. Although these conditions apply to men and women equally, discrimination still occurs after the marriage has been registered. The law on names requires a married woman to use her husband's surname and to use the designation of "Mrs.". On the other hand, men continue to use the same designation and surname. Consequently, women can be checked for their marital status much easier than men.

(3) Divorce

271. Thai law allows for divorce with the consent of both parties. There must be a written agreement regarding child custody, and property acquired during marriage is to be divided equally. After both parties have signed the divorce agreement, and the signatures of at least two witnesses certify it, the marriage is effectively terminated upon the registration of the divorce agreement. Should mutual agreement not be reached, divorce proceedings must be taken to court. There are ten grounds for divorce, but only one discriminates against women, that is, if a woman has sexual intercourse with another man just once, the husband may cite this behavior as reason for divorce. On the other hand, men are allowed to have sexual intercourse with other women, and only when it can be proven that a man supports or honors another woman as his wife, can his legal wife can file for divorce. This allows men to freely commit adultery, which undermines the stability of the family and is against religious teachings. This condition for divorce thus needs to be changed so that men and women can have equal rights.

272. On 9 April 1996, the Cabinet approved a revision of the law regarding the cancellation of the betrothal agreement, claiming compensation in case of unfaithful behavior, and termination of marriage in order to promote equality between women and men. However, several details remain to be discussed by NCWA and other related agencies responsible for drafting the law, particularly appropriate wordings regarding the cause of divorce. The NCWA has attempted to work out a compromise and is waiting for the right time to submit the amendment in order to avoid opposition from certain parliamentary members who still adhere to old stereotypes.

(4) Bigamy

273. Under Family Law, bigamy is not a crime; the offender is considered to have only committed perjury to an officer and faces penalties of imprisonment for up to six months, a fine of up to 1,000 baht, or both. In practice, the court does not order imprisonment, but only gives a suspended sentence. There has been no case of bigamy where a man was imprisoned,

nor are their statistics on the actual number of bigamy cases. Under the law, a woman cannot file for divorce citing her husband's adultery, but a man can file for divorce on the ground of his wife's adultery. The wife must prove that her husband has maintained/honored other women on the same basis as herself. In cases where a man wants to take advantage of the weak central registry system, by registering marriage with various women in different locations, those registrations will be automatically invalidated without a court order. A spouse who enters into marriage on good faith has the right to claim for compensation, but is not entitled inheritance from the spouse. However, any child born into a bigamous marriage is still legitimate including a child born within 310 days after a court order. This latter provision came into force in 1990.

274. After a campaign by the NCWA in collaboration with NGOs, in 1998 the Ministry of Interior established an on-line information system for marital registration that links official registries throughout the country. The ministerial regulation on marital registration was also enacted to allow registrars to record marital information and check a person's marital status before endorsing the registration of a marriage.

(5) Management of Community Property

275. The Family Law states that "men and women have the same rights and responsibilities for the duration of the marriage, to cohabit as husband and wife, maintain and assist each other according to one's own ability and means." In terms of common property management, husband and wife either manage it jointly, or one spouse does so with the consent of the other. If either spouse enters into any legal contract independently or without the consent of the other spouse, the latter may apply to the court to revoke the contract. In addition, if one spouse is declared bankrupt, this situation will not affect the other spouse's property, except in the case of debts that were taken on jointly.

276. Studies have shown that men are more likely to be accorded the title of head of the household (74.5%) than women (26.5%). In practice, women are considered the head of the household only if their husband is deceased or has abandoned her. This situation affects women's rights to obtain land allocated by the government, since the law only allows the head of the household to do so. While the law does not specifically state that the head of the household must be a man, officers of the Ministry of Interior responsible for registering household's routinely put the man's name as the head of the household.

(6) Rights to Work

277. Men and women have the same right to choose their own occupations and to work. Being married tends to affect women more than men in terms of their occupation and work performance, including opportunities for promotion, due largely to their other family and child care responsibilities.

(7) Marital Designation

278. Thai law requires a married woman to change the prefix of her name from Nangsao (Miss) to Nang (Mrs.) and use her huband's surname, while men use the designation of Nai (Mr.) regardless of marital status. This is inconvenient when a married woman needs to have her husband's consent to carry out any legal transactions. Since 1976, the law has stated that consent from a spouse is required for legal transactions. In practice, however, while the officials involved always require women to have legal documents showing their husband's consent, they do not require these documents for men. The Ministry of Interior's regulation also states that a woman who is pregnant, and who has not registered her marriage, cannot request to change her designation from "Nangsao" (Miss) to Nang (Mrs.). Thai society negatively views women who have a child out of wedlock, but men do not suffer the same fate.

279. The NCWA has initiated the idea to propose a law whereby the prefix to one's name does only indicates whether or not thai person is male or female. It will not indicate marital status or, in the case that it does, it will be the same for both men and women. Information on this issue is now being analyzed and steps will be taken when proper circumstances arise.

(8) Surname

280. A married woman is required by law to use her husband's surname upon marriage. When a marriage is dissolved, either by divorce or annulment, she can take back her maiden name. If a husband dies, the woman can either continue using his surname or change to her maiden name. Current law stipulates that a child has the right to use the mother's surname only in cases where the identity of the father is unknown. In addition, "a legitimate child has the right to use the father's surname" but "an illegitimate child must use the mother's surname." The Supreme Court has issued a decision giving the child the right to choose his/her family name, but the majority of the public is unaware of this decision.

281. The NCWA with support from some members of the House of Representatives has tried repeatedly to revise this law, but efforts remain unsuccessful. Most recently, on 18 May 1999, the Cabinet approach the draft Name Act proposed by the NCWA, but it was not endorsed by the House of Representatives.

282. However, both men and women have the right to change their surname by asking permission to use the surname of other persons. Consequently, presently husbands and children have the right to change their surname to that of their wives and mothers.

(9) Child Custody

283. A wife is not allowed to independently take responsibility for the number of children she will bear by undergoing sterilization. A wife must obtain written consent from her husband before being sterilized. However, women can freely use other forms of contraception such as birth control pills and injections without the consent of her husband. In cases of child custody, child guardianship and child adoption, both parties must give their

consent. Moreover, usually the parents of both spouses also tend to influence this decision as well. A woman who does not have the right to control the number of children she bears may have to resort to abortion. According to Family Law, mothers and fathers can equally exercise their guardianship rights. In the case of divorce, the parents must come to an agreement concerning child custody. If this agreement cannot be reached, a court order must be obtained which will take into consideration the best interests of the child and his/her well-being. A male judge often gives child custody to the father, but in practice the woman ultimately is responsible for the child. Moreover, divorce settlements that order the man to alimony cannot be enforced effectively.

(10) Inheritance

284. According to Family Law, an estate passes to heirs through two means: statutory heirs and legatees. A testator cannot will over half of their common property to other persons. Statutory heirs are relatives who have the right to inheritance in cases where the deceased did not leave a will. The right to receive inheritance falls in the following order: (1) descendants, (2) parents, (3) siblings who share the same father and mother, (4) siblings who share one parent, (5) paternal and maternal grandparents, and (6) aunts and uncles.

285. According to Family Law, men and women have equal rights to inheritance. The spouse not only receives half of the common property, but is also entitled to inherit an equal share as heir for the children. If the deceased person is childless, his/her spouse is entitled to half of the estate, with the remaining half being inherited by the deceased person's parents. If the deceased has not living parents, the deceased's siblings together will receive half of the estate, and the deceased's spouse the remaining half. In cases where there are no direct heirs (i.e., descendants, parents, siblings who share the same parents), then the remaining three categories of heirs (siblings sharing one parent, grandparents, aunts and uncles) will receive one-third of the inheritance, with the remaining two-thirds being inherited by the spouse.

(11) Income Tax

286. According to the Tax Law, the incomes of men and women are taxed equally. If a married couple wishes to pay income tax jointly, then the income tax form of the spouse who is filing will also show the income of his/her spouse. Because of the additional earned income from the latter, the person who is filing will be put into a higher income tax bracket, resulting in higher income taxes. To avoid the Tax Law, as well as the Family Law concerning common property management where consent of the spouse must be obtained before entering certain legal transactions (e.g., sale or mortgage of property, renting of property for over three years), Thai business people tend not to register for marriage licenses.